

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF CONNECTICUT

UNITED STATES OF AMERICA,

Plaintiff,

-and-

CONNECTICUT FUND FOR THE ENVIRONMENT, INC.;  
SOUTHINGTON CITIZENS ACTION GROUP; EDWARD  
AVERY; JOAN BRADLEY; EDWINA LUDECKE; GLADYS  
LANGTON,

Intervening Plaintiffs,

-and-

BOARD OF WATER COMMISSIONERS FOR THE TOWN  
OF SOUTHINGTON,

Intervening Plaintiff,

-versus-

SOLVENTS RECOVERY SERVICE OF NEW ENGLAND,

Defendant.

Civil Action

No. H 79-704

Deposition of JAMES MICHAEL MAGUDER,  
taken pursuant to the Federal Rules of Civil  
Procedure, at the law offices of the United  
States Attorney, 270 Orange Street, New

Haven, Connecticut, before Roy F. Brown, a  
Registered Professional Reporter and Notary  
Public within and for the State of Connecticut,  
on Tuesday, May 5, 1981, commencing at ten-ten  
o'clock in the forenoon.

oOo

A p p e a r a n c e s :

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(Continued on next page)

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-and-  
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oOo

1  
2 MS. DOLGIN: For stipulations, just  
3 reserve all objections till time of trial? Is  
4 that --

5 MR. RODBURG: The normal one: The  
6 objections except as to form are reserved.

7 MS. DOLGIN: As to signature --

8 MR. RODBURG: I guess that is up to the  
9 witness. I do not care.

10 MS. DOLGIN: Are you representing him?

11 MR. RODBURG: No. He is an employee.  
12 He has been subpoenaed here, as far as I know.

13 MS. DOLGIN: So you are not acting as his  
14 counsel?

15 MR. RODBURG: No.

16 MS. DOLGIN: Off the record.

17 (Discussion off the record)

18 J A M E S M I C H A E L M A G U D E R , called as  
19 a witness, having been first duly sworn by the Notary  
20 Public (Roy F. Brown), was examined and testified as  
21 follows:

22 DIRECT EXAMINATION

23 BY MS. DOLGIN:

24 Q Would you please state your name.

25 A James Michael Maguder.

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Q What is your present address?

A [REDACTED]

Q Where are you employed?

A Solvents Recovery Service.

Q How long have you worked there?

A Eleven years.

Q So you came to work there in 1970?

A [REDACTED] 1970.

Q What is your educational background? Did you graduate high school?

A High school graduate, year and a half of college, and then I went in the military.

Q How long were you in the military?

A Eight years.

Q Did you work anywhere before you came to work for Solvents, after the military?

A Yes, I drove a truck for Cumberland Farms for three weeks. Then I went to work for Solvents.

Q What has your job been at Solvents Recovery Service?

A Tractor-trailer driver.

Q It has been the same the entire eleven years, the same job?

A Right, more or less in charge of all the drivers

1  
2 now, but tractor-trailer driver.

3 Q Now you have a supervisory job?

4 A I still drive. It's just on the side. I do  
5 the trucking and so forth.

6 Q You say it has been a tractor-trailer --

7 A Right.

8 Q What kind of truck?

9 A 18-wheeler.

10 Q Would you describe it?

11 A A regular truck is a straight truck, six wheels,  
12 so forth. This is a tractor-trailer.

13 Q How does that differ from a regular truck?

14 A It's a bigger.

15 Q It is larger?

16 A Yes.

17 Q How many trucks does Solvents Recovery Service  
18 have?

19 A We're using four trucks right now.

20 Q Are they all tractor-trailer trucks?

21 A Yes, all tractor-trailers.

22 Q Are they all owned by Solvents Recovery?

23 A No, we lease them from Ryder.

24 Q So the truck that you lease -- you have a truck  
25 that you drive all the time?

1  
2 A Right, a long-term lease.

3 Q Have they always had this number of trucks?

4 A No. When I started, all we had was a single  
5 truck, six-wheeler.

6 Q When did the additional trucks come on? Can  
7 you think what time?

8 A A couple of years later we added one tractor  
9 on, then two. Work increased. We're up to four now.

10 Q How many truck drivers do you supervise?

11 A It's only one full-time driver besides me, and  
12 there's about six part-timers.

13 Q What is the name of the full-time truck driver?

14 A Bobby Blair.

15 Q Has he worked there a long time?

16 A He was a part-timer for about two years. He  
17 just started full time in January.

18 Q So you two are the two full-time truck drivers  
19 now?

20 A Right.

21 Q Have there ever been any other full-time truck  
22 drivers, besides you?

23 A Just one, John DuBois. He's working in the  
24 plant now.

25 Q Has he been there a long time?

1  
2 A A year and a half.

3 Q Are there any other truck drivers, part-time  
4 truck drivers, now, who have worked for Solvents for very  
5 long, more than a couple of years?

6 A Yes. Edward Pocock. He's been there part-  
7 time for about five years.

8 Q Can you think back before that? Were there any  
9 truck drivers who were there who now no longer work for  
10 Solvents, who were there for several years or more?

11 A The driver's place that I took was the name of  
12 Frenchy, but I don't know what his name was and I don't  
13 know how long he worked for Solvents. I never saw him.

14 Q Were you always a full-time trucker for them?

15 A Right.

16 Q How are you assigned jobs at Solvents? What  
17 normally happens?

18 A How do we go on a run?

19 Q Yes.

20 A A customer calls in, requests a pickup. --

21 (Discussion off the record)

22 BY MS. DOLGIN:

23 Q You were talking about how you normally get your  
24 assignments.

25 A Yes.



1  
2 A customer usually calls in, requesting pickups  
3 for the dirty solvents. The notices are put on the board,  
4 the pickup notices, and we arrange them for different trucks  
5 and send the drivers out to make the pickups.

6 Then, when the material is cleaned and processed,  
7 it's delivered back to the customer.

8 Q Does this happen daily, this procedure, I mean,  
9 that the notices will be up in the morning, or --

10 A Oh, yes. Yes, every day in the week.

11 Q Talking about today, normally, how many --

12 A Well, right now I'd say there's about twenty  
13 pickup notices on the board right now, from last night when  
14 I came back. It will range anywhere from five to ten calls  
15 a day.

16 Q So you will take the notices -- let's try to  
17 talk through what will happen. You take the twenty notices.  
18 What do you do?

19 A They are put on the board, the drivers' board.

20 Then you see what room you've got in the plant,  
21 what the plant is processing for bulk storage, drum  
22 storage, and you arrange your pickups accordingly.

23 Q So you call up the part-time employees and say  
24 "We need to have" --

25 A Oh, yes, they are notified a week in advance

1  
2 what days they -- they give us calendars, monthly calendars,  
3 of what days they're available to drive for us, and, when  
4 we make out -- when I make out the trucking schedule, I  
5 arrange with the part-time drivers on their days off to  
6 drive for us.

7 Q You were talking about picking up chemicals and  
8 then delivering chemicals. That is two separate --

9 A Right. You pick up a customer's crude chemi-  
10 cal, a used chemical, bring it into the plant, and they  
11 process it. When it's processed and it is cleaned and  
12 ready to go back to the customer, it's delivered back to the  
13 customer you picked it up from.

14 Q Are there certain runs that you know, regularly,  
15 that you'll be making, so they can be scheduled far in  
16 advance, or do you wait for the phone call always?

17 A No, wait for the phone calls.

18 Q You are driving these rented trucks, the  
19 tractor-trailers --

20 A Right.

21 Q -- always?

22 A Yes. They are long-term-lease tractors.  
23 They have our names on it. They're a five-year lease.

24 Q So they have the company name on it?

25 A Right, three of them, except the fourth one is

1  
2 a yellow Ryder truck, with the Ryder emblem on the door,  
3 because it's under a monthly lease.

4 Q Do any materials come in to Solvents that  
5 Solvents' trucks do not pick up?

6 A Oh, yes.

7 Q Some companies deliver on their own?

8 A Right, yes, customers, common carrier. A lot  
9 of customers.

10 Q Can you describe to me the procedure, let's say,  
11 if you are going to pick up a shipment of chemicals and get  
12 the notice off the board? Then what happens in terms of --

13 A You're just hooked up to your truck--you get in  
14 your truck, you hook up to the trailer that you're going to  
15 be taking the next morning -- all the drivers leave at five  
16 o'clock in the morning -- and you drive to your pickup  
17 point.

18 Q Do you exchange papers with the pickup --

19 A Whenever you pick up material from a  
20 customer, it's up to the customer to supply the paperwork for  
21 the material you're picking up.

22 Q So what do they give you? What is it?

23 A Well, your hazardous waste manifest now,  
24 required by --

25 Q What else? Do they give you any kind of

1  
2 invoice?

3 A Some do, some don't. It's usually the  
4 hazardous waste manifests is all the papers you're required  
5 to have, except for Rhode Island; then you're required to  
6 have a bill of lading as well as the manifest.

7 Q Any other states that you pick up in, or just  
8 Rhode Island is the only one where there is a state mani-  
9 fest?

10 A Yes. For our pickups in the New England area,  
11 yes. But whenever we deliver to our Jersey plant they  
12 require a bill of lading along with the hazardous waste  
13 manifest, so our girl in the office types up the bill of  
14 lading for the material that we ship to our Jersey plant.

15 Q Who requires the bill of lading?

16 A Our Jersey office.

17 Q Why do they require that?

18 A I don't work in the office. I just -- they  
19 tell me to do something --

20 Q That is not a state requirement?

21 A As far as I know, no. I don't know. That, I  
22 couldn't give a yes or no on it.

23 Q But, on the deliveries to the plant in  
24 Connecticut, all you usually have is the hazardous waste  
25 manifest now, nothing else?

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2 A The girl types up your pickup notice, which  
3 they call shipping orders. That's what you go by to make  
4 your pickup with. It's got the address, what you're pick-  
5 ing up, et cetera. That comes back to the girl in the  
6 office, along with the hazardous waste manifest.

7 Q When did this hazardous waste manifest system  
8 go into effect?

9 A November 19th.

10 Q Before November 19th, what kinds of papers did  
11 you have?

12 A Just the regular bill of lading.

13 Q That was the only paper you would have for your  
14 trips?

15 A The customer would type up the regular bill of  
16 lading, we'd make a pickup, we'd sign the paperwork, get  
17 our copy of the paperwork, and bring it back to the plant  
18 with the material.

19 Q What do you do with the bill of lading after  
20 you bring it back?

21 A Put it right in the secretary's basket, on her  
22 desk.

23 Q What about the pickup notice? Does that go  
24 with it?

25 A Everything is paper-clipped together. And,

1  
2 like if we pick up tankloads, we always get our tanker  
3 weighed on the way out and on the way back, when you're  
4 empty and when you're full.

5 Q Where do you get it weighed?

6 A Wherever you can.

7 Q You mean not at Solvents? You stop at some  
8 weigh station?

9 A Yes. We don't have a scale. Right.

10 All the paperwork for that particular run is  
11 all stapled together and put on the secretary's desk.

12 Q Do your trucks have tanks?

13 A Tanks and boxes.

14 Q What do you mean, "boxes"?

15 A A van trailer.

16 Q That would pick up barrels?

17 A Barrels of material, right.

18 Q How many are tank trucks and how many are -- are  
19 they interchangeable?

20 A Oh, no, no. We only -- we have two van  
21 trailers for drum pickups and maybe six tank trailers, some-  
22 thing like that.

23 Q Before the manifest system went into effect, in  
24 the early years when you were driving a truck, did you always  
25 use the bill of lading system then?

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A Yes, always had bill of ladings.

Q The notice on the board has always been the system, too?

A Yes, regular pickup notices, yes, for pickups, yes.

Q Any other documents that were ever used before that are not used any more?

A No.

Q No?

A Not that I can think of. In other words, we always had paperwork for something that we brought into the plant.

Q What about when you --

A Deliver?

Q Deliver. What do you take with you?

A When we deliver, the secretaries -- they type up the bill of ladings for material being delivered, and, when we deliver it, the customer signs for it. They get one copy of it, and we bring the rest of the paperwork back and put it back on the girl's desk.

Q When you deliver barrels or when you pick them up, are you told what is in the barrels or what is going into the tanks?

A It's usually listed on the paperwork, what the

material is.

Q What will it say, for instance? Does it specify chemicals, or does it just say "used solvents"? Does it --

A Now it specifies the chemicals. Year ago it just used to say "used solvents," and it wasn't written out as to exactly what it was being picked up or not. Now it's written out so that you know -- well, you wouldn't know, anyways, because you can't understand half the words, anyways.

Q When did they start writing out what was in the barrels and the tanks?

A Well, as years -- as the years went on, it got more and more, the laws from the federal government, et cetera. Mostly now since November 19th everything is spelled out.

Q Before November 19th was it?

A Not 100 percent. You would pick up a lot of loads where customers would just write "6,000 gallons of waste solvent for reclaiming," stuff like that.

Q Where would this be written?

A On the bill of lading.

Q On the bill of lading?

A Yes. If you're making a pickup, it would be



1  
2 written right on the bill of lading, "6,000 gallons of  
3 waste," you know, stuff like that, no exact telling you  
4 what it was.

5 Q Before November, when you would deliver  
6 chemicals, would Solvents write on the bills of lading what  
7 they were returning, the names of the chemicals?

8 A Yes. Yes, they would, on the deliveries of  
9 the cleaned product, yes.

10 Q But, again, for the ones that you received, that  
11 you picked up, it often did not spell out what was --

12 A No, no. Very few would.

13 Q Do you pick up primarily barrels, or do you use  
14 the tanks most?

15 A You mean me, myself?

16 Q Just generally for Solvents, most of your  
17 chemicals coming in. Are they in the tank trucks or in  
18 barrels?

19 A Well, when I first started working there, it  
20 was mostly barrels, but now they're changing over to bulk  
21 work mostly.

22 Q When did that begin to take place?

23 A Well, within the last four years or so. Slow,  
24 gradual, changeover.

25 Q But before that it was primarily barrels?

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A Right.

Q Would the bills of lading that you received for pickups say the number of barrels --

A Oh, yes. Yes.

Q -- that were being picked up?

A Right.

Q When you would deliver chemicals, would you give the bill to the company at the point you delivered the chemicals, or would they be mailed out later?

A You always carried the bills -- the payment?

Q Right, asking for the payment.

A Oh, no. That's handled by the Jersey office. They send that out through the mail later, at the end of the month.

Q So you would not handle that part?

A We never touched money, no. Very -- less than one percent of the times would you ever go out on a C.O.D. pickup, and that would be for a customer that was very delinquent in his payment.

Q How many gallons did the tank trucks hold?  
In other words --

A We don't -- we limit ourselves to pickups now of 5,000 gallons. We have some trailers 6300. We used to have a 14,000-gallon tanker, but our pickups and our

deliveries usually don't go over 5,000 gallons.

Q Why not?

A Weight purposes, on the highway.

Q Why would you have to limit it?

A Well, if you get picked up for overweight, you've got to pay fines.

Q Are there state laws that limit the amount you can carry?

A Federal laws, yes, 80,000 pounds. Used to be 73,000. It's up to 80,000 now.

Q When did those restrictions start?

A Oh, it was always 73, as far as I can remember, depending on the type truck you're driving. The larger the truck, the more weight you can haul. And it just went up to eighty -- we just got registered for 80,000 pounds, I think, since the first of the year.

Q But because of that you can only carry five -- why do you --

A Well, you're usually underweight, but tank capacity and tank storage capacity at the plant -- they usually like to keep the loads less than 5,000 gallons.

Q What about for barrels? Are there limits on the number of barrels you pick up at a time?

A Well, you can only fit 80 drums on a box. One

1  
2 box. One box carries 84.

3 Q How many boxes will you pull on a truck? One  
4 box?

5 A One box, 40-foot box.

6 Q So that when your trucks go out for barrels,  
7 the most you can pick up at one time is 84?

8 A 80 to 84, depending on which trailer you're  
9 taking. One trailer is 40 feet long, the other trailer is  
10 42.

11 Q Do you have any estimates of how many barrels a  
12 day are picked up to be brought to Solvents Recovery?

13 A Some days none. Some days maybe a hundred  
14 sixty, for our trucks.

15 Q That is the most, since you only have two of  
16 those trucks?

17 A Right.

18 Q Then what about deliveries? Is that the same  
19 way? I mean it is --

20 A Deliveries, yes, it's usually less than that,  
21 because you always have a smaller amount going back to your  
22 customer.

23 Q Do you always deliver in your tanks, or do you  
24 deliver barrels?

25 A Both.

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Q Both?

A Right.

Q How do you decide whether to deliver by a tank or barrel?

A It's up to the customer's request. The customer might not have a tank to store his clean material in. Then he requests it in drums. Small-quantity user might use just drum.

Q Are there some customers that you only pick up from and not deliver back to?

A Yes. Yes.

Q Why does that occur?

A They can't use a reclaimed material. They use a solvent; when we clean it, they cannot reuse it, because it doesn't meet their specs or it's not -- they can only use virgin material.

Q So, then, what is that, sold to somebody else?

A The majority of the time it's -- yes -- oh, it's all sold to somebody else, yes.

Q Are there some customers that you deliver chemicals to and not pick up from?

A You're talking clean stuff, product after it's been cleaned?

Q Yes.

1  
2 A Oh, yes, the material that we would -- we  
3 don't deal in -- well, yes, we do on chlorinated solvents,  
4 virgin material. We only deal in one type of solvent,  
5 but that's a very, very small amount. The majority of it  
6 is shipped up from Jersey and sold to customers.

7 As far as the reclaimed material, people that  
8 we pick up and don't send back to, there's other customers  
9 can use it, and it's sold to them, yes.

10 Q But are there any customers who you sell to but  
11 that you do not pick up from?

12 A That we sell to that we don't pick up from?

13 Q Right, that you will sell the reclaimed material  
14 to but you also do not pick up.

15 A Yes. I would -- yes. Not that very many.  
16 I really can't -- I don't know their names or anything like  
17 that, I mean, because a lot of it is done by common  
18 carrier or their own trucks.

19 Well, like -- what was it? Last month we  
20 picked up -- we have one customer that -- he generates a  
21 lot of waste, but he cannot use all of his reclaim that  
22 we send back to him, so he finds other customers, that we  
23 deliver his material for him after it's clean; and these  
24 customers we don't pick up from, we're just delivering  
25 material to.

1  
2 Q Who is the customer that cannot take back all  
3 he produces?

4 A Hartz Auto in Acton, Mass.

5 Q Are there any customers who you have been pick-  
6 ing up and delivering drums from for the entire eleven years  
7 that you have worked there?

8 A Oh, yes, a lot of them.

9 Q A lot of them?

10 A Yes.

11 Q How many?

12 A Oh, I don't -- I couldn't give you a figure.  
13 Solvents has hundreds of customers, but I mean there are  
14 some customers I have been going to for eleven years, yes.

15 Q Can you off the top of your head think of any  
16 of these?

17 A A lot of your paper companies in Holyoke, Mass.

18 Q For instance?

19 A Hazen Paper, Hampden Paper, Foster Grant up in  
20 Leominster, Mass. Been doing business with these people  
21 ever since I have been there.

22 Q Any others you can think of?

23 A No, not right offhand.

24 Q For instance, the Hasten Paper -- is that what  
25 it is called?

1  
2 A Hazen Paper.

3 Q What would you pick up from them?

4 A Pick up drums of used chemicals.

5 Q Do you know what those chemicals were?

6 A No, not really, not when I first started working  
7 for them. I have a little more of an idea of the stuff  
8 that I pick up now, from experience, but I'm not a chemical  
9 analyst, so I really don't know what it is.

10 Q What were they, the chemicals?

11 A It's mostly ketones, MEK and alcohol, stuff  
12 like that. We don't deal with acids at all at our plant.  
13 Methyl ethyl keton.

14 Q Did you used to pick up acids?

15 A No, never handled -- well, we -- one short --  
16 well, it was only one or two customers that we picked up  
17 acids for maybe a couple of months or something like that,  
18 but Solvents doesn't deal with acids at all.

19 Q When did you pick up the acids?

20 A This was maybe four or five years ago. Then  
21 we would just turn all our acids over to Environmental  
22 Wastes up in Waterbury. They'd come in and pick it up.

23 We never treated acids or anything.

24 Q Do you also make deliveries between the  
25 Connecticut plant and the New Jersey plant?



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A Right.

3

4

Q What kinds of deliveries are made between the two plants?

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A The same kind of deliveries that we pick up from customers. If we can't do it, we would send it to our Jersey plant; because our job load got too much where we couldn't handle it, we would ship the material to our Jersey plant, and they would do it for us.

10

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Q What do you mean, it would get "too much"?

A Business would be -- where you couldn't handle

it. There would be too much at peak times of the year where you couldn't handle it, so we would ship it to Jersey.

Q They would handle it, process --

15

16

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18

19

A They would process the material, and we would pick it up and delivery it to the customer. We only got so many stills that can do the work, and Jersey has a larger capacity for doing work than we do.. It's a larger plant than us.

20

21

22

23

Q Are there any products that you take only to New Jersey for processing? In other words, are there some products that are processed in New Jersey that are not processed in Connecticut?

24

25

A Now we send all our mineral spirits in Jersey. We don't do that in our Southington plant.

1  
2 Q What are mineral spirits? Did you used to  
3 process them in --

4 A Yes, we used to do it in the Southington plant,  
5 but it would take too long to process it. The still  
6 required too much steam, high boiling point stuff like that.  
7 It would slow our stills down. And you have a lot of water  
8 waste, the way we do it.

9 So we send it to our Jersey plant, and they do  
10 it more efficiently than we do. It costs them half as  
11 much as it would cost us to run it.

12 Q When did you stop processing those in Connecti-  
13 cut?

14 A About a year or so.

15 Q So before then you did not in --

16 A Southington.

17 Q -- in Southington?

18 What states do you pick up and deliver in?

19 A Maine, New Hampshire, Vermont, Massachusetts,  
20 Connecticut, Rhode Island, New York, Pennsylvania, New  
21 Jersey.

22 Q In the beginning, when you first went to work  
23 at Solvents, did you have a bigger territory that you  
24 covered?

25 A When I first started?

1  
2 Q Yes.

3 A Connecticut, Rhode Island, Massachusetts.

4 Q Just three?

5 A New Hampshire.

6 Q Four.

7 So the field has expanded?

8 A Right.

9 Q Are there any states where you have to have  
10 special permits, besides Rhode Island? You mentioned in  
11 Rhode Island you needed special forms?

12 A Yes. You need special permits now in Massa-  
13 chusetts, Maine, Vermont, New York, New Jersey, Pennsylv-  
14 nia.

15 Q Are these all similar kinds of permits?

16 A Yes, special hazardous waste hauling permits.

17 Q What do you have to do to get one of those  
18 permits?

19 A I don't do nothing. They do it in the office.

20 Q Then they give you one for the truck or for  
21 you --

22 A Right. Everybody carries one inside the  
23 tractor, in case you get stopped on the highway.

24 Q How many drums do you think you handle a week,  
25 all the truck drivers together? We will say pickups.

1  
2 How many pickups?

3 A On pickups?

4 Q Yes. Drums.

5 A Oh, oh, just drums, not bulk?

6 Q Right.

7 Do you have a bulk figure all together, tanks  
8 and drums?

9 A I'm talking tank -- this is just a guess.  
10 Well, I'm sending four trucks a day out, so you've got at  
11 least -- that's twenty trucks a week, five-day week. We  
12 work Saturdays a lot of times, too.

13 Sometimes when you go out with your box for  
14 drum pickups you are delivering to maybe two or three  
15 customers and making two or three pickups, because not  
16 everybody has 80 drums to pick up. One customer might  
17 have 10, another one might have 15, another 5. A lot of  
18 pickups are made in one day with a box trailer, depending  
19 on the volume that the customer uses, requires.

20 Q So you do not really have an estimate of how  
21 much is picked up?

22 A As far as -- no, I couldn't give an accurate  
23 estimate, no.

24 Q Think back like to nineteen -- you have been  
25 there since '70, so let's say in the early '70's, '71, '72,

1  
2 what --

3 A I'd go out once a day. That would be it.

4 Q What kind of truck would you drive then?

5 A A small straight truck, 28-drum capacity.

6 Q So you would only be picking up 28 drums?

7 A 28 drums at the most.

8 Q This went on for how many years?

9 A A little more than a year, I'd say, somewhere  
10 around there.

11 Q Then?

12 A Once a month I'd go out with a box trailer,  
13 I'd pick up 80 drums from one customer. I think we only  
14 had one customer at that time that had a large quantity like  
15 that.

16 Q Who was that?

17 A Somebody out in Norwood, Mass. I can't  
18 remember. They're not in business no more.

19 Q At that point, were a lot of drums coming in  
20 on trucks that were not Solvents Recovery's trucks?

21 A Yes, about the same as it is right now, but  
22 their volume of business was not then as it is now.

23 Q What percentage, in the old days -- this is in  
24 the early '70's -- of the business would come from trucks  
25 that did not belong to Solvents?

1  
2 A Oh, I have no idea. I don't know how many --  
3 see, I'm not there during the day. I go out in the  
4 morning, at five o'clock, and I come in at night, when I'm  
5 finished with my run. If five trucks or ten trucks stopped  
6 in at the plant to make deliveries or pickups, I have no  
7 idea.

8 Q Again, this is thinking back to the early '70's,  
9 not today:

10 Can you just name for me some of these chemicals  
11 that you were aware of that were being picked up and  
12 brought to the plant?

13 A We mostly deal with ketones, ketones and  
14 thinners, and some chlorinated solvents. But the volume  
15 of business on your ketones compared to your chlorinated is  
16 double.

17 Q Again, just some of the names?

18 A Methyl ethyl ketone; acetones; alcohols,  
19 different types, isobutane alcohol. Then you've got your  
20 trichloroethanes and your perchloroethanes, methylene  
21 chlorides.

22 That's the majority of it.

23 Q I am learning all these names, too. Any  
24 others?

25 A I don't know them all.

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Q Just name any others. Any other ones?

A No, not that I can think of, no.

Q These were the chemicals that were picked up in the early '70's as well as today?

A Yes.

Q Has it changed? You said you do not take acids any more. Any others that used to be picked up that are not picked up any more?

A No, not that I can think of, no.

Q Do you ever pick up at any hospitals?

A No. I've never gone to a hospital.

Q Have you ever?

A No.

Q I would like to go through with you the process for picking up barrels, and I would like to talk about again in the early 1970's, when you first started working at Solvents.

You would get a call to go pick up barrels someplace?

A Yes. The office would get a call, and they would notify the drivers, yes.

Q Let's say you got a call from a place in Massachusetts.

A Okay. You would just -- you'd come in in the

1  
2 morning, you'd get in your truck, and you'd drive up to your  
3 pickup point, your customer, and you'd get your truck  
4 loaded.

5 Q Who would load the truck?

6 A The customer would put the drums on the back of  
7 the truck. The drivers would load their own trucks.

8 Q What do you mean, you would --

9 A It's -- like I say, if the drums are on the  
10 ground, they'd have to pick the drums up with a fork lift --  
11 you're talking anywhere from 450 to 600 pounds of drudge --  
12 put it on the back of the truck. The drivers would load the  
13 box of the truck, themselves.

14 Q You mean arrange the barrels, you mean, when  
15 you say "load" it?

16 A Yes, right. Right. You'd wheel them inside  
17 the truck and you'd line them up.

18 Q Would they usually be covered or uncovered?

19 A Back there in the '70's it was an open rack  
20 body truck, where the drums were exposed. But all the  
21 drums are sealed. They're not an open drum.

22 Q When you got to the plant, where would you take  
23 the drums? Again, this is in the early '70's. You drive  
24 into the yard --

25 A Drive into the yard, you park the truck --



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Q Where?

A In the yard, just park it.

(Continuing) -- punch out, do your paperwork, and go home.

When you come in the morning, the truck's unloaded and loaded for your next run.

Q So you never actually saw any of the unloading for the trucks?

A Oh, I've seen it, yes, yes.

Q Is there a special area in the yard where the trucks would be unloaded?

A Yes. The yard is all cement-padded, and there's areas for drums. And then, where the tanks are, they'd load the tanks up into the bulk storage.

Q Was it always cement-padded?

A Yes, but not to the degree that it is now. There's more cement-covered area now than there was in 1970.

Q Like in 1970, where would you park the trucks after you brought them in?

A The same place we park them now.

Q Maybe we can look at this chart.

MS. DOLGIN: Shall we mark this Plaintiffs' Deposition Exhibit 1?

(Copy of diagram was marked Plaintiffs'

Deposition Exhibit 1 for identification, as of  
this date.)

BY MS. DOLGIN:

Q On this, could you mark with a number one the  
area where you would bring the trucks in, if you can find  
where the existing building is.

MS. DOLGIN: Off the record for a second.

(Discussion off the record)

Q I want you to mark with a letter A where you  
would bring the trucks in with the barrels -- and this is  
in the early '70's.

A (Marks document)

Q So, then, you never did any unloading, yourself?

A I've helped them out on occasion, yes. Mostly  
the plant's job when you come in at night, but I've helped,  
yes.

Q Would they unload the trucks right away at  
night?

A They're always unloaded at night right away,  
yes.

Q Where would the barrels be placed when they were  
unloaded? Can you mark that with a B?

A Yes. Well, that would go anywhere in this

1  
2 area here. Do you want me to just put a "B" in here?

3 Q Yes.

4 A (Marks document)

5 Q So B is where the drums were taken after they  
6 were unloaded from the trucks?

7 A Right.

8 Q In the early '70's, was that bare ground?

9 A No. They had cement pads up in this area  
10 here. I think all this was added on later.

11 Q So were the barrels always placed on cement  
12 pads, or sometimes were they on the ground?

13 A Sometimes they were on the ground, yes, right.  
14 Right.

15 Q How often?

16 A Whenever there was no room on the cement pad.

17 Q Was that frequently?

18 A Yes. You could say yes. Yes.

19 Q Do you know how many barrels the pad would hold  
20 at one time?

21 A No, I don't. Somewhere around 80 drums on a  
22 pad, something like that. I'm not sure.

23 Q How many pads were there in the early '70's?

24 A I have no idea how many pads there are. I  
25 never counted them. I don't know.

1  
2 Q But you do remember that in the early '70's  
3 the drums would be placed on the bare ground?

4 A On occasion, yes.

5 Q More than once a week?

6 A Well, there might be maybe one week where there  
7 might be a couple of hundred drums on the ground, but then  
8 the next week, then, there's no drums on the ground,  
9 depending on the inflow of business.

10 Q How many men would usually unload a truck?

11 A Two.

12 Q Besides you being there, there would be two  
13 others?

14 A Oh, no. If I helped, then there would be just  
15 one man.

16 Q How long did it usually take to unload the  
17 trucks?

18 These are the trucks with 20 barrels.

19 A Fifteen, twenty minutes.

20 Q Did you ever spill stuff when you were unloading  
21 drums?

22 A I think maybe once it happened to me, when a  
23 drum fell off the back of the truck, yes.

24 Q What happened?

25 A The drum broke open.

1

2

Q So the stuff was on the ground?

3

4

A Yes. Well, it was in the unloading area, so it was on the cement.

5

Q Even this is in the early '70's?

6

A Yes. It only happened to me one time.

7

8

Q Did you ever get burned by anything, any leaks or anything, of materials, when you were handling drums?

9

10

A Oh, yes. Yes, I burned the cornea of my right eye one time, a couple of years ago.

11

Q Really?

12

A Yes.

13

Q What happened?

14

15

A I was loading drums on a box trailer, and the top broke open, hit me in the face.

16

Q Were you hospitalized?

17

18

A No, they went -- well, I was hospitalized then, and they treated my eye and released me right away.

19

This happened in Rhode Island.

20

Q Do you know what the substance was?

21

A It was MEK.

22

23

Q Did anything like that ever happen to anybody else, that you had seen around the plant?

24

25

A I've seen guys get splashed with chemicals. I don't know if anybody really got hurt or not.

1  
2 Q What happens? It would just be painful, or  
3 what?

4 A Yes. They're treated right away. If it  
5 happens in the plant, they are taken to the hospital for  
6 treatment.

7 Q Where would these incidents have occurred, in  
8 drum unloading or --

9 A No, the majority of it -- well, it would be  
10 loading stills and opening up drums. It could happen  
11 practically anywhere where you're working. The hose could  
12 break.

13 Q Did you ever work in any of the other processes  
14 in the plant, besides drum unloading? For instance, did  
15 you ever work in the process area, itself?

16 A No, I didn't. No, not as a truck driver, I  
17 didn't.

18 They could use me inside the plant if trucking  
19 ever slowed up, but it never really has since I have been  
20 there.

21 Q So you never did work in the process area?

22 A Not as far as processing the chemicals, no.  
23 No.

24 Q Have you done some work around there?

25 A On occasion I've helped clean out the burner,

1  
2 when they used to use the burner, and stuff like that. But  
3 I have not worked with the processing of the materials.

4 Q When was the burner being used? How long ago  
5 was that?

6 A Eight years ago, something like that. I'm not  
7 sure.

8 Q Can you mark with a C where the -- you call it  
9 the burner? You mean the incinerator?

10 A Incinerator, yes.

11 That would be it here (marking document).

12 Q What would you do when you cleaned it out?  
13 You said you worked it up there to clean it out?

14 A I would just shovel the ashes out from inside  
15 the burner.

16 Q Where would you shovel them to?

17 A I would put them in drums.

18 Q Then what would happen to the drums?

19 A I don't know. I think they used to store it  
20 all in this area here, the crushed stone area. They used  
21 to put the ashes there.

22 But I never did anything like that.

23 Q In the barrels or loose?

24 A They used to put it loose on the ground there,  
25 in that area there, the ashes.

1  
2 Q Can you mark with the letter D where they would  
3 put the ashes?

4 A As far as I know.

5 Q Right.

6 A (Marks document)

7 Q Would they put them anyplace else, that you can  
8 remember?

9 A Not that I can remember, no.

10 Q How long a time period did this go on, where  
11 the ashes would be put in the crushed stone area?

12 A I don't know. I don't know if that was done  
13 for the length of the period they were using the burner or  
14 if it was done for a specified length -- I have no idea how  
15 long.

16 Q Can you remember the years when they were using  
17 the burner?

18 A As far as I can remember, they were using the  
19 burner when I started working there in 1970 and two or  
20 three years after I worked there. I really don't know how  
21 long.

22 Q Did you ever do any work in the drum storage  
23 area, itself, moving drums around, apart from just helping  
24 to unload?

25 A Out of all the time I worked there, maybe once



1  
2 or twice I put drums there with the fork lift and brought  
3 them out to the still area, so the guys could load them  
4 into the stills. Less than five times. Very few.

5 Q Would you use the fork lift to --

6 A Fork lift. Pick the drums up, drive them  
7 over to the still area.

8 Q Did you ever do that in the early '70's?

9 A If I did, it was -- it's hard to remember.

10 Q Can you mark with an E where the still area is,  
11 with a letter E there?

12 A (Marks document)

13 Q Would there ever be drums piled up in the still  
14 area? Would they be brought over there and not immediate-  
15 ly processed?

16 A No, not around the stills they wouldn't be,  
17 no, because you wouldn't be able to load the stills if you  
18 stored drums there.

19 Q So the drums were kept in the drum storage area  
20 until they were ready to be put through?

21 A Until the customer's material was going to be  
22 run. Then they'd be brought over from the storage area  
23 into the still area, yes.

24 Q You say sometimes you brought barrels over to  
25 the still area. Then what would happen to the barrels,

1

2

after they were emptied into the still?

3

A Then they would lay the drums down in the --

4

this crushed stone area over here.

5

Q That is D?

6

A Yes.

7

The drums would be stacked here until the drum

8

handler would come to pick up the empty drums.

9

Q Would they be empty, though?

10

A You talking now or then?

11

Q Then. This is in the early '70's.

12

A You would have some drums would be empty.

13

Some would have a couple of inches or more of heavy

14

settlement on the bottom of them.

15

Q They would be laid on their sides --

16

A Yes, they'd be stacked in that area there.

17

Q -- on the crushed stone, one on top of the

18

other?

19

A Yes, about five-high.

20

Q Would they have the tops off of them?

21

A No. After they finish emptying the drum at

22

the still area, they put the tops back on. The tops are

23

always stored on the drums.

24

Q Did you ever see leaks in the crushed stone

25

area, materials that had leaked out of barrels?

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A I've seen it, yes.

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Q Was this in the early '70's?

A Early, yes. Even now, once in a while you might see a drum leaking, where a drum has split open or something.

Q Where? In what areas do you see them?

Let's say in the '70's. Where did you used to see barrels leaking?

A Well, in your drum storage area, you might see a leaking drum. Then, when the drums were laid down for storage later, for hauling away, in the D area, you might see one once in a while.

Q Anyplace else?

A In the early '70's?

Q Yes.

A No, because that was the only areas that your drums were stored.

Q How long would the drums stay in the crushed stone area after they were unloaded?

A Oh, it depend on how busy the plant was. I mean, they would just be kept until you had a full load for a trailer to pick up, and then they are shipped out. So it would be less than -- well, used to get a drum handler up there maybe two or three times a month.

1  
2 Q So can you guess about how many drums at the  
3 most would accumulate?

4 This is in the early '70's.

5 A I'd say -- what? -- 300? That's a guess,  
6 because I don't know how many drums they used to put on the  
7 truck.

8 The drum handlers -- they used to carry more  
9 drums than we did, because they were empty; they used to  
10 stack them. We don't stack ours.

11 Q Later on, did that amount stay the same, that  
12 they would accumulate, like up to 400, or more, a month, in  
13 that area?

14 A More. Now, there's more accumulation now,  
15 but they don't use that area now. That area there is  
16 just -- the D area, where they used to -- where a drum  
17 handler would take all your drums -- nowadays they don't.

18 If there's any liquid in the drum, the drum  
19 handler won't take that drum. Solvents has to clean those  
20 drums out that has the residue left in them. We have to  
21 clean those drums out before we put them in the D area for  
22 a drum handler to come and pick them up.

23 Q Where do you clean them out now?

24 A They -- right on the other side of the E  
25 storage area, there's -- where this little shed is --

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Q Do you want to write an F?

A That's the disbursing area. That's where they cut the tops off the drums and they handle the drums now (marking document).

Q How do they clean them out?

A They mix different type of solvents with it. Like if it's a solid waste and stuff like that, or really heavy, they liquefy it.

Q Then what happens?

A Then we pump it into the tank, fuel tank, and it's kept for fuel.

Q Are the barrels washed out?

A No, they're just -- not washed out to make them clean. They're just cleaned out; so that when you pump a customer's material out of a drum, you might have 2 to 8 inches of heavy material that a pump won't pump; this material is liquefied and then pumped out, so your drum is clean as far as residue left in it.

But it's still a dirty drum, still a contaminated drum.

Q When did this new process start, cleaning out the drums?

A A year ago, somewhere around there.

Q So up till a year ago the drums that would be

1 put in the D area would have residue in them?

2 A Yes. Yes.

3 Q Sometimes, when you were working in the process  
4 area, did you see, when the material in the drums was being  
5 poured into the still, spills onto the ground at that point?  
6

7 A Not as the material is being pumped into the  
8 stills. It's being pumped; it's not being poured into the  
9 still. They pump it into the still.

10 Q Did you ever see spills in that area, where a  
11 tube would break, a pipe would break, or anything?

12 A On something like that, yes, yes, I've seen  
13 spills in that area.

14 Q How frequently?

15 A Oh, very seldom.

16 Q In the early '70's, were they more frequent  
17 then?

18 A No, no.

19 Q No?

20 A No. As far as major spills and stuff like  
21 that, no, not frequent.

22 Q In the early '70's, can you describe to me how  
23 the drums were placed when they were in the drum storage  
24 area, when they were unloaded? Were they separated in any  
25 way?

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A What do you mean? Separated from what?

3

Q Were there aisles? Were there --

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Q Were they stacked on top of each other there?

14

A Three-high.

15

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17

Q How often would you see a -- this is in the early '70's again. Would you see many drums breaking? You described a drum dropping and breaking.

18

19

20

21

A I maybe only seen it a couple of times in the eleven years that I have been there, where a drum -- they'd be unloading, and it would slip off the back of the box or fall off the forks and hit the ground and crack open.

22

23

24

Q How else would they leak, though, if not cracking open? What kinds of situations would cause barrels to leak?

25

A Fatigue in the drum. The drum might be so

1  
2 old -- rust, damage from banging.

3 Q Would that happen more frequently than just  
4 dropping? There would be leaks because of damaged drums?

5 A Yes. You might see a leak on the ground or  
6 something from a drum, from where maybe the seam has split  
7 on the drum.

8 But I mean it's not something that I see every  
9 day. I mean, I might not even have seen one all last  
10 year; I might not have seen one the year before. You don't  
11 see it. The drums are inspected too much to -- you know,  
12 you don't get in the poor quality of drum.

13 Q Did you ever refuse to take any drums because  
14 they were leaking?

15 A Absolutely. We don't haul leaking drums on the  
16 road.

17 Q Was this that way in the early '70's, too?

18 A Yes. We used to refuse leaking drums in the  
19 early '70's, but, as far as banged-up drums or rusted  
20 drums, we would haul. We didn't have the guidelines then  
21 that we do now. But we would never haul a leaking drum on  
22 the highway.

23 Q Now do you refuse drums just if they are banged  
24 up?

25 A Yes.



1  
2 Q Really? When did you start doing that?

3 A About a year or two ago, somewhere around there.

4 Q If you ever worked in the bulk storage area --

5 will you mark with a G where the bulk storage area is?

6 A The bulk storage area?

7 Q Yes.

8 A (Marks document)

9 Q Have you ever worked over there at all?

10 A No. Doing what?

11 Q When you want to pick up to deliver to someone  
12 in the tank --

13 A When I first started working here, when I used  
14 to haul a tanker, we would park the tanker here and I would  
15 hook up the lines to pump into the bulk storage tank with  
16 the tractor pump, from my load.

17 Q Put an H where you parked the truck.

18 A (Marks document).

19 Q Then you would hook up --

20 A I would hook up the hoses to pump my load into  
21 the bulk storage area. That's -- that would be the only  
22 type of work that I worked in the bulk storage area.

23 Q Are the hoses attached to the truck, or are  
24 they attached to the tanks?

25 A They've got hoses in the plant. Then we

2A

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1  
2 carry hoses on the trailers.

3 Q Have you ever seen the hoses leak?

4 A Yes.

5 Q How frequently?

6 A You just shut down when you got a leak. Then  
7 you put a new gasket in on the end of your hose and you hook  
8 up, and you start all over again.

9 Q How often does that happen?

10 A All depends on what kind of materials you're  
11 hauling. Gaskets don't last long with different types of  
12 materials, just regular rubber gaskets inside of a hose.

13 Q But how often do they wear out?

14 A Somewould last a day; some would last a week.

15 Q Why would they only last a day?

16 A Well, it's rubber, and different types of  
17 chemicals would eat away at the rubber.

18 Q So, would you say, a gasket would break how  
19 many times a week?

20 A It would just wear out; it wouldn't break.

21 Q Well, wear out.

22 A When you're hooking up, it's right there on the  
23 end of your hose. You would just check it. If it's all  
24 frayed and soft and stuff, you just take it out and put a  
25 new one in. Then you wouldn't have a leak when you

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1  
2 started pumping.

3 Q How often do you change the gaskets?

4 A How often do I? I'll maybe change a few  
5 gaskets a week. Not many.

6 Q In the early '70's, did you have to change them  
7 frequently, also, then, too?

8 A No, no, because I only used to haul a tanker  
9 one day a week in the early '70's.

10 Q When did the increase in usage of the storage  
11 tanks, the bulk transfer, start to increase?

12 A Well, a slow, gradual increase over the last  
13 five years, I'd say.

14 Q What is that? Up until 1976 it was mostly  
15 barrels that were brought in?

16 A Approximately around that time, yes. Yes.

17 Q So since 1976 you have had to rely a lot more  
18 on the bulk storage area?

19 A Right.

20 Q You used that a lot more?

21 A Right, yes, and that's increased in the  
22 number of tanks that they have.

23 Q How has that increased? What number?

24 A I don't know. I'd say half of the area was  
25 tank storage when I took -- when I started working there,

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something like that.

Q What, twenty new tanks? Ten new tanks?

A I don't know how many they have. I don't have -- I don't know how many tanks are up on the hill. I don't know.

Q But it has doubled in number since --

A I don't know if it would be doubled exactly, but I'd say they have added on at least half a dozen tanks from what they used to have, yes.

Q Do you remember any spills in that area?

A Yes. I've seen one spill up in that area, where they overloaded the tank and it came out the top.

Q A large volume of material?

A What do you mean by "large"?

Q Gallons, or just a few drips, or what?

A Oh, no. Oh, gallons, yes. I'd say maybe a couple of hundred gallons, somewhere around there.

Q When was that?

A Oh, that was a few years ago. I have no idea exactly what year it was, no.

Q Mid '70's? Was it when the incinerator was still being used?

A Oh, no. No.

Q After that?

1

A A long time after that.

2

3

Q Do you know what overflowed? What was the material?

4

5

A What the material was? No, I can't remember which customer it was, no.

6

7

Q How are the storage tanks divided up again, by what is in them or by where you get them from? How do you know where to put --

8

9

10

A Yes, some tanks just hold clean material and some tanks just hold crude material.

11

12

Q Do you separate the crude material in any fashion, or do you just fill up tank after tank? In other words --

13

14

15

A Yes -- no -- like you might have a 6,000-gallon storage tank, but, if I went to a customer that I only picked up 2,000 gallons and that was the only tank available, it would be put in that 6,000-gallon tank. Now, nothing else would be added to that tank until that customer's material was run in the stills. You never mix customers' materials.

16

17

18

19

20

21

22

Q So what you are saying is that you are dividing the material by customer?

23

24

A Always.

25

Q Do you ever divide it by the substance? In

1  
2 other words, two customers may bring you the same material.  
3 Will you put those together?

4 A Never. You never combine a customer's material  
5 with somebody else's.

6 Q Even if it is the same material?

7 A Even if it's exactly the same.

8 Q How often are tanker trucks cleaned out?

9 A There's no set schedule.

10 Q Do you clean them out between each customer?

11 A You're talking about crude material or clean  
12 material?

13 Q Crude material.

14 A No.

15 Q No?

16 A No.

17 Q What about the clean material? Do some tank  
18 trucks only haul clean and some only haul --

19 A Dirty. Just like your storage tanks, yes..

20 Q How many of them today haul clean?

21 A Two. Two tankers haul clean, today. You're  
22 talking today?

23 Q Yes.

24 A Two.

25 Q What about in 1975?

- 1  
2 A Oh, in 1975? I can't remember.  
3 Q Just in the '70's.  
4 A In the early --  
5 Q In the early '70's, when you had one tank truck--  
6 A Right.  
7 Q -- how often did you wash it?  
8 A For clean material?  
9 Q For dirty you only had one tank truck; right?  
10 A We didn't pick up dirty material bulk in the  
11 early '70's.  
12 Q When did you start picking it up bulk?  
13 A Later '70's, within the last five years.  
14 Q So how often would you clean out the tank truck?  
15 A Within the last five years?  
16 Q No, in the early -- before --  
17 A We never did, because it was clean material at  
18 all times.  
19 Q Even though it might have been different ma-  
20 terial?  
21 A Yes.  
22 Solvent dries clean. There's no residue left  
23 in the tank.  
24 Q You only would carry solvent in your tank?  
25 A That's all we deal with, solvents.

1  
2 Q But you never carried any other kind of  
3 chemicals, clean?

4 A Just solvents. I mean there's different types  
5 of solvents.

6 Q But you would not clean out the tank truck  
7 between --

8 A No, no, because it was always clean.

9 Q Is that still the situation, that you do not  
10 clean out the tank trucks?

11 A The clean tanks. There's no need to.

12 Q What about the dirty ones now?

13 A They would be cleaned out when your valves  
14 would get plugged up and stuff.

15 Q How often would that happen?

16 A They cleaned it last week, and it's plugged up  
17 now.

18 Q So sometimes it would just take a week? You  
19 have to clean them every week?

20 A Sometimes one trip.

21 Q Where do you clean them?

22 A They clean them in the plant.

23 Q Where? Do you know where?

24 A Oh, where the cleaning area?

25 Q Yes.



1  
2 A Well, H, in that area, there.

3 Q How does that work? What is done?

4 A The tanks are aired out.

5 Q What do you mean, opened up?

6 A Opened up, and they blow air through them, you  
7 know, clean out the fumes. Then they take the valves off  
8 the bottom of the tank, the belly of the tank, and the  
9 people have to get in to clean them. They go in with gas  
10 masks.

11 Q What about anything that runs out of the tanks?

12 A The tank is driven over a big tray, pit-like,  
13 and everything that comes out is dropped into there.

14 Q Then what happens to the stuff that comes out?

15 A That's put into drums. If it's liquid, it's  
16 pumped into the fuel storage tank, in F area; and if it's  
17 solid waste it's put into drums and sealed up.

18 Q Then what happens to the drums that are  
19 sealed up?

20 A The solid waste?

21 Q Yes.

22 A That's shipped out to your burial grounds.

23 Q Where are the drums kept, waiting to be shipped  
24 out?

25 A In the drum storage area.

1  
2 Q Where is that? What number, or letter?  
3 A B.  
4 Q In B?  
5 A Well, B would include this whole area.  
6 Q You mean so the drums that contain wastes are  
7 kept there, also?  
8 A The solid waste.  
9 Q Right.  
10 A Yes.  
11 Q That is in B, where the drums that have come in  
12 filled with material are kept, also?  
13 A Right.  
14 Q It is the same area?  
15 A Right.  
16 Q The empty drums -- where are they kept now?  
17 A Well, the empty drums are kept out in the D area.  
18 Q When did you start washing out the tank trucks?  
19 Can you think back how long that process has been going on?  
20 A Well, ever since we have been hauling crude  
21 material in tankers.  
22 Q Which is since --  
23 A Within the past five years. I'm not -- you  
24 know, I couldn't really give you an exact year when it  
25 started.

1  
2 Q Was the wash-down procedure always the same, or  
3 has that changed?

4 A Oh, no, it was always -- you're talking about if  
5 it was just dumped on the ground?

6 Q Were the solids ever left on the ground?

7 A Not that I can remember, no. No, I've never  
8 seen it.

9 Q Do you ever use water inside the tanks, to wash  
10 them out?

11 A At times. Sometimes, yes.

12 Q Why would you use water?

13 A They would use mostly steam. They wouldn't  
14 just use straight water out of a hose. They would use  
15 steam to get a color pigment maybe off the inside of a  
16 stainless steel tank.

17 Q So, say like five years ago, when you used this  
18 process -- it was used five years ago, the steam process,  
19 to clean out the tanks?

20 A Yes, if they had to use steam. When you're  
21 talking -- yes. Right. To steam out a tank, yes. If a  
22 tank needed repair, they would steam out a tank to -- like  
23 it hauls flammable material, so they would steam it out so a  
24 man could weld it and, you know, not worry about blowing up.

25 Q What would happen to the condensed steam?

1 A It's all stored in drums.

2 Q How?

3 A It would come out the valve -- the tanker's got  
4 valves on it -- and they'd put drums underneath the valves,  
5 and, as the tanker was being steamed, what water came out  
6 would go into the drums.  
7

8 Q This procedure was always used, to collect it in  
9 drums? In the early years, did you sometimes not use the  
10 drums?

11 A Yes. Sometimes not.

12 Q How many years do you think there were no drums  
13 used to collect it?

14 A How many years did this go on?

15 Q Yes.

16 A Well, since I have been there, maybe -- what?  
17 Five years or something like that.

18 Q That there were no drums to collect this steam?

19 A Yes.

20 Q In the old days, when the steam runoff was not  
21 collected in barrels, where would it go?

22 A On the ground.

23 Q Would it disappear into the ground?

24 A Yes.

25 Q Thinking back, can you think about, just

generally, any spills, big spills on the site, hundreds of gallons, apart from the one situation you described where the one tank, storage tank, overflowed?

A Yes, I seen one time where a guy backed a trailer into another trailer and punctured the back of it.

Q What happened?

A Well, they lost about -- what? -- three to five hundred gallons of material, came pouring out, before we --

Q When?

A It was early in the morning. Sitting in the office, and the guy came in the office. He told me he just backed into another trailer and it's leaking. So we all ran outside, and the guys in the plant got their bags of Speedy Dry and everything and they diked the whole area, and with my tractor I pumped the hose off of his trailer and I put it into another trailer.

Q Where did this occur? What area?

A In area A, but down right in here. I mean, in the corner.

Q Could you put an "I" where that was?

A (Marks document)

Q When did that happen?

A Within the past six months.

Q Did any of that run into the ground, that you

1  
2 could see?

3 A That happened during the winter, and the ground  
4 was frozen, so I doubt if any did get into the ground,  
5 because they reported that to the state, then that same  
6 afternoon they had the big payloader came up and they dug up  
7 the whole ground in that area, and they stored it in drums.

8 Q What, the ground they stored in drums?

9 A The ground where the material was spilled. It  
10 was all diked up, and used absorbent pads and Speedy Dry and  
11 everything, and everything was shuffled into the drums, and  
12 the payloader came in the next day and dug up the ground --  
13 that same day -- and put that into drums, and a new area of  
14 the parking lot was restoned.

15 Q Have there been any other spills like that, that  
16 you can remember?

17 A Not in our plant, no.

18 Q You keep mentioning a lot of changes took place,  
19 it sounds like in the last year or two, in terms of --

20 A Because of your laws. Your laws have gotten  
21 more strict.

22 Q Who at the plant oversees these changes? Is  
23 there one person?

24 A Well, everything in our plant is controlled by  
25 Jersey. All these new laws and everything, they go into

effect, more or less Jersey is -- Jersey tells us what to do.

Q Do you know an individual who makes these decisions? Do you know what person that is?

A The man that's running our plant right now is John Purvis. He just started there last summer. He's the plant superintendent. He's in control of the plant.

Q Before him?

A Was Al Tatro.

Q Before him?

A Before him was Frank Ciak.

Q Can you give me the years when these people were the plant superintendents?

Mr. Ciak. When was he --

A When he started I have no idea, but he was running the plant when I started, in May of '70, and he died. Well, he had a heart attack. I think he left in February of '71, somewhere around there.

Then Al Tatro was more or less running the plant -- been running the plant since that time, until a year ago, May of '80.

Q Then Mr. Purvis started?

A And then Purvis started around, I think, July.

Q When there would be changes in procedures, how were you told about them?

1  
2 A We were notified by the plant manager.

3 Q Does he call meetings, or how does --

4 A I can only talk -- I'm talking about -- you're  
5 talking about the whole plant or the drivers now?  
6 Because, see, there's a distinction between that operation  
7 of the business, because they would have their foremen's  
8 meetings, or they have their foremen's meetings and stuff  
9 where the different procedures are explained, a review of  
10 what's been done is explained and stuff like that. But the  
11 driver -- we don't go to these meetings or nothing.

12 Q Who goes to those meetings?

13 A The foremen, the guys that run each individual  
14 shift.

15 Q Then how are you told? Who tells you about any  
16 changes?

17 A As far as the driving procedures, we're told by  
18 Al Tatro, John Purvis.

19 Q How do you hear about changes around the plant?

20 A Just grapevine-type communications. Like when  
21 we're in the office, late at night or early in the morning,  
22 guys would be talking and -- with us -- and we'd talk with  
23 them, and we'd find out what's going on.

24 Q They would hear from the foremen, usually?  
25 That's the people --



1  
2 A The regular workers would, yes. They would get  
3 their information from the foremen, as new procedures, et  
4 cetera.

5 Q So, when you have a particular problem or there  
6 is some change in the driving procedures, you hear it  
7 directly from the --

8 A John Purvis.

9 Q Or Mr. Tatro?

10 A Yes, when he was there, he would be the one that  
11 would set the law, yes.

12 Q Do you know who it is in New Jersey who would --

13 A Well, the man that's responsible for our plant in  
14 Jersey is Uly Marini.

15 Q How long has he been working with the Connecti-  
16 cut plant?

17 A At least a couple of years he's been responsible  
18 for the Connecticut plant.

19 Q Before him, who was it?

20 A I can't remember who it was back then. I don't  
21 know. I know they used to leave us -- Tatro used to run  
22 the plant, and, if there was anything -- there was always  
23 somebody in Jersey that more or less would, you know, be  
24 responsible for the Connecticut plant, but like it was  
25 different then than it is now.

1  
2 Like Uly comes up once a week and reviews the  
3 plant procedures, keeps in constant touch, where years ago  
4 it wasn't kept in constant touch.

5 Q But do you feel that the operations used to be  
6 more separate than they are now?

7 A No, we would always be responsible -- I mean  
8 they would always be responsible for us, you know. We  
9 could never do nothing without, you know, their say-so.

10 Q Are there any written procedures now about what  
11 to do if spills occur?

12 A Yes.

13 Q Where are those kept? Do you know where those  
14 are?

15 A They are posted in the hallway.

16 Q Where?

17 A At the plant.

18 Q In the plant.

19 How long have there been written procedures?  
20 Can you remember when those were put up?

21 A As far as spills?

22 Q Yes.

23 A No, I have no idea how long they have been  
24 posted. I don't know. I don't know if they have had  
25 procedures from day one or not. I really don't know.

*Spill  
Procedures*

1  
2 Q Do you remember from the early days, in the early  
3 '70's, mid '70's, that there were written procedures?

4 A No, because I never worked in the plant, so I  
5 never was associated with that end of it.

6 Q Like when you were unloading drums or that kind  
7 of thing, there was never --

8 A Well, just common sense. If you unloaded --  
9 if a drum broke open, you would handle it immediately; you  
10 wouldn't just push it on the side and leave it alone until  
11 you finished unloading the truck. It was just common  
12 sense. You handled it right away.

13 Q Did anyone talk to you specifically about what  
14 to do when there were spills?

15 A In those days, no.

16 Q When did they start being more concerned, the  
17 management?

18 A I can't remember when the date of these  
19 procedures are. I mean it's posted in the plant. I  
20 don't know if it's dated in '72 or dated in '81. I have no  
21 idea.

22 Q Who do those procedures come from? Is it the  
23 company procedures?

24 A Right. Right. Yes, that would -- they would  
25 come from Al Tatro or John Purvis.

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Q So his name is on them? Who --

A If they signed it. I don't -- I never read it.  
I don't know. No, I don't, because I never worked in the  
plant like that.

Q What about in the drum unloading area, though?  
I mean do you remember anything given to you about what to  
do there in case of spills?

A No. No.

Q You cannot remember anything?

A How to handle a spill?

Q Right.

A Not until this past year or so, when the State  
of Rhode Island started the manifest system. Now we  
carry procedures in the truck.

Q Were your trucks ever used for delivery of any-  
thing besides the clean chemicals? In other words --

A Yes.

Q What would you deliver besides clean chemicals?

A Dirty chemicals.

Q Where would you deliver those?

A We would deliver them to Jersey, our Jersey  
plant.

Q Has this always been the case, that you would  
deliver dirty chemicals to Jersey, since you came to work

See page 11

there?

A When I first started, yes. Now we deliver dirty material to -- as fuel, to Pennsylvania.

Q When did that start?

A Well, the first trip I ever made was probably about five years ago. That was to New York State.

Q What did you take at that time?

A Waste-chemicals.

Q Where did you take it?

A New York State.

Q Where in New York?

A Hudson, New York.

Q To a disposal area or --

A No, to a cement company, who burned it as fuel in place of oil and coal.

Q Before then, where did you take dirty chemicals?

A I never -- before then, I never hauled dirty chemicals, except into the Jersey plant or into the Connecticut -- Southington plant.

Q You said sometimes you delivered dirty chemicals to Jersey?

A Yes. That's for them to clean it up, to send back to customers. It wasn't for disposal or anything like that.

1  
2 Q Have your trucks ever been used to deliver  
3 barrels?

4 A Yes. Dirty stuff you mean?

5 Q Right.

6 A Yes.

7 Q Where would you deliver those?

8 A You're talking reclaiming or waste?

9 Q Both. Let's start with reclaiming.

10 A Reclaiming dirty would -- either to the Jersey  
11 plant -- that would be the only place that would do for  
12 reclaiming.

13 Q You never took the dirty barrels anyplace else,  
14 besides Jersey?

15 A For reclaiming processing?

16 Q For any reason.

17 A Oh, yes. Yes. We've taken dirty barrels other  
18 places, yes.

19 Q Where else?

20 A Niagara Falls.

21 Q What was there?

22 A A disposal outfit. They would bury the drums.

23 Q When were those deliveries made?

24 A Oh, let's see. '78, '79, '80, somewhere in  
25 that area.

1  
2 Q Anyplace else, besides New York?

3 A Yes, Kingston, New Hampshire.

4 Q Where would you take them there?

5 A To an outfit that used to process the material  
6 for burial and shipment out.

7 Q What company was that, do you know?

8 A I don't know the name of the company. The man  
9 we used to deal with was the name of Ottati.

10 Q When did that take place?

11 A The exact year I'm not -- that was during Tatro,  
12 when he was running the plant, but I don't know the exact  
13 year it was.

14 Q Do you know when it stopped?

15 A We haven't been up there in at least three years,  
16 somewhere around there.

17 Q How long did you take barrels up there?

18 A About a year, less than a year.

19 Q Those barrels had wastes in them?

20 A Right. More or less solid waste.

21 Q Where did the solid waste come from?

22 A That would be from the stills. After you  
23 process the material, the material would set up, go from  
24 liquid into a solid form.

25 Q Before the barrels of waste were taken to

Ottati, where were they taken?

A I never -- before Ottati? Before Ottati, I never took them anywhere.

Q What would happen --

A You're talking SRS trucks; right?

Q Yes.

A No, I never hauled them anywhere before that. I think Ottati was the first time I ever hauled waste anywhere.

Q Where did they go, the wastes go, then, before Ottati?

A People used to come and pick it up.

Q But you never delivered?

A We never delivered, no.

Q Do you know who used to pick them up?

A Outfit called Ace, out of Bristol.

Q Bristol, what state?

A Connecticut.

Used to come in and pick material up.

Q How long did they pick up material?

A I'd say they must have worked for at least three years. Three years, somewhere around there.

Q Do you know what was in those barrels at that point, that used to be picked up by Bristol?



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ACE,,

drums  
and  
TANKS-

Inciner

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19  
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21  
22  
23  
24  
25

A The same thing --

Q By Ace.

A -- that's in them now.

Q Which would be?

A Your leftover -- your waste from your stills.

Q Was there a landfill in Bristol?

A Oh, I don't know. I never went. I have no idea. They used to pick it up; they used to sign for the material. I mean --

Q They would take it somewhere. Where would they pick up material, Ace?

A From our plant.

Q Where? At what site?

A Oh, either -- they'd either get loaded in area A or around area H.

Q The material would all be in drums?

A Yes.

Ace used to do some tank work, too.

Q Before Ace, what would happen to these wastes?

A Before Ace, they used to use the burner.

Q The incinerator?

A The incinerator.

Q Do you remember what years now we are talking about?

1  
2 A No. See, in those days, in the early days,  
3 when they used to pump out a material, you used to have a  
4 lot of residue left in your drum. The drum handling people  
5 used to take the drums then. That's where a lot of your  
6 wastes used to go.

7 Q Who were the drum handling people then?

8 A Then it was Bayonne Drum, out of Bayonne, New  
9 Jersey; and after that it went to Kingston Steel Drum, out  
10 of Kingston, New Hampshire.

11 Q Can you tell me the years of when did the  
12 Bayonne, New Jersey, people take the wastes?

13 A They were doing it when I started working there,  
14 and they did it for maybe three or four years after I was  
15 there, and then it switched over to Kingston for about four  
16 or five years. But then your laws changed, and now --

17 Q So that takes us to about 1978, then, I guess?

18 A Yes. This is a rough estimate, guessing,  
19 because I'm not good on the years.

20 Q Then you started the barrels of waste going to  
21 Ottati -- when did Ace fit into this?

22 A Oh, okay. Ace came before Ottati and during  
23 Ottati.

24 Q So this is what, 1978, about that time, '76,  
25 '77?

1  
2 A Probably, yes. The office records would be  
3 able to give you the exact dates, but it must have been  
4 around that area sometime.

5 Q Do you know if they keep office records on all  
6 these disposals?

7 A Solvents Recovery?

8 Q Yes.

9 A Everything that left that plant was signed for.

10 Q Who usually signs?

11 A The person that's picking the material up.

12 Q Is there somebody at the plant who is there to  
13 turn over the --

14 A Paperwork for this person to sign?

15 Q Yes.

16 A Always. The plant is never shut down, 24 hours  
17 a day.

18 Q Who would that be? A plant manager or secre-  
19 tary or --

20 A During the day?

21 Q Yes.

22 A During the day it would be the plant superinten-  
23 dent and the secretary.

24 After your office hours, it's always the plan  
25 foreman, shift leader, the guy in charge of the shift.

1  
2 Q When you say the person in charge of the night  
3 shift, is there one person who is always in charge of the  
4 night shift, or does that rotate?

5 A Oh, that rotates. They have rotating shifts.

6 Q So let's say in June of 1977.

7 A Oh, who it would be?

8 Q Yes.

9 A Oh, no.

10 Q It would be too hard to guess who it would be?

11 A No.

12 Q You would have to have a particular date?

13 A I couldn't even tell you the guy's name,  
14 anyway, because I --

15 Q There is not someone who is always the night  
16 shift foreman for two years?

17 A No. No.

18 Q For the pickups of wastes, drums with wastes in  
19 them, what kind of documents would be exchanged; do you know?

20 A Pickups of drum waste?

21 Q Yes.

22 A You mean somebody coming into our plant to pick  
23 up drums of waste?

24 Q Yes.

25 A It doesn't happen now -- well, it does, yes.

1  
2 Yes. Well, now, it's your hazardous wastes manifest.

3 Q Okay.

4 A Before that it was your regular bill of lading.

5 Q That would be it, just that one document?  
6 The bill of lading?

7 A Yes, that would be for the material that was  
8 put on the truck, yes.

9 Q When you delivered wastes to Ottati in New  
10 Hampshire, what kinds of pieces of paper would you take with  
11 you?

12 A Regular bill of lading.

13 Q Anything else?

14 A And I make my delivery -- no, that was it, just  
15 the regular bill of lading to cover the load that I had on  
16 the truck.

17 He would sign for it, and I'd bring back --  
18 I'd give him a copy of it and I'd bring the rest back, the  
19 paperwork back, to the office.

20 Q What is on these bills of ladings, usually?  
21 Can you remember?

22 A Yes, I would -- in those days, to Ottati?

23 Q Yes.

24 A I would say something like "80 drums of waste  
25 material," something like that. It would be a general

1  
2 type description, not a specific as to so much percent  
3 acetone, so much percent so and so. It was never a break-  
4 down of that sort, no.

5 Q Did you deliver any wastes or barrels to any  
6 landfills in the Southington area?

7 A In the Southington area?

8 Q Yes.

9 A Never.

10 Q No? Did you ever take anything to the old  
11 Southington landfill?

12 A I used to take the plant garbage.

13 Q What was that?

14 A Just regular garbage, like you'd put out in  
15 front of your house in the morning for the garbage man. I  
16 mean that's all -- we used our truck to take it to the dump.

17 Now we have a garbage truck that comes in and  
18 picks up the same stuff.

19 Q But you never took any of the chemical wastes?

20 A There was never no chemical wastes dumped over  
21 in Southington, no.

22 Q No?

23 A I never did, no.

24 Q Did you hear about it ever being done, being  
25 picked up and delivered there, if you did not do it your-

1  
2 self?

3 A To the Southington dump?

4 Q Yes.

5 A Not that I can remember, no.

6 Q Is that the one that is on Old Turnpike Road?

7 A I don't know the street address for it. I  
8 don't know. It's down there by the Lake Compounce some-  
9 where, but I'm not from Southington originally so I don't  
10 know the streets.

11 Q Did you ever take any wastes to any other land-  
12 fills, if not in the Southington area?

13 A The only landfills I've ever delivered waste to  
14 have been the Niagara Falls one and Ottati.

15 Q Did you ever hear about any wastes from Solvents  
16 being taken anywhere in the Southington area?

17 A When Ace used to haul, yes.

18 Q Where would they take it?

19 A I never seen them take it. I just heard rumors  
20 in the plant that he was going to the Bristol dump, but I  
21 have no idea. I never seen him there. I mean the man  
22 was coming in and signing for the material. I mean, if he  
23 dumped it in his rose garden I have no idea.

24 Q Who is "he," when you say "he"?

25 A Well, Ace. There was two guys that I

1  
2 associated with Ace, a guy named Joe and a guy named  
3 Rocky. They used to do all the driving.

4 Q Do you know their last names?

5 A No, I don't.

6 Q Anyway, that ended when, with Ace?

7 A Three years ago, something like that.

8 Q How far away is Bristol from --

9 A It's the next town.

10 Q So how many miles would it be to the landfill?

11 A I don't know where the Bristol landfill is, but  
12 Bristol, itself, is only about 5 miles away, something or  
13 other. Less than that. I don't know where the landfill  
14 is.

15 Q Did you ever hear about anything from Solvents  
16 Recovery, any wastes or any materials, being used as fill  
17 anywhere in the Southington area?

18 A Solvents' wastes being used as fill?

19 Q Yes, or anything from the plant being used as  
20 fill, anywhere in the area.

21 A No. No.

22 Q No? Do you remember anybody ever picking any  
23 material up?

24 A For fill?

25 Q Yes.



1  
2 A Not when I -- not since I have been working  
3 there, no. No. Before that, it was a different procedure,  
4 but I wasn't there, so I don't --

5 Q Since you have been there, that never happened?

6 A No. No.

7 Q Like who would know about the procedures before  
8 you got there, if I wanted to talk to one person who might  
9 know about picking up material to be used as fill, to be  
10 landfilled?

11 A Well, the man that was in charge of the plant is  
12 dead.

13 Q Ciak?

14 A Yes.

15 Q Anybody else? Any other employees?

16 A Al Tatro worked for Ciak, and he's been there  
17 since the '50's, so he would probably know. And the man  
18 you got coming tomorrow, Harold.

19 Q Bankert?

20 A Yes. He's been there for about twenty years.

21 Q Do you think he might --

22 A But he was a regular worker. I mean, as far  
23 as somebody saying "We will take this load and dump it  
24 here," he wouldn't know that, but he would know about how  
25 the plant operated and how things were done. He's been

1. working in the plant as a plant employee, foreman and a worker  
2. and stuff, for better than twenty years.  
3.

4. Q Is there anybody from New Jersey who would be  
5. able to talk about these old procedures, before you were  
6. there?

7. A Well, Carl Boll, the guy that owns the company.

8. Q Any other employees?

9. A In Jersey?

10. Q Yes.

11. A No, not that -- no, not that still work there,  
12. no.

13. Q What about anyone who has left now but that was  
14. there for a long time?

15. A Well, they have had a lot of changeover as far  
16. as plant personnel and stuff like that, as far as the  
17. employees that they had before I started working there, and  
18. even since I have been working there. I couldn't tell you  
19. their names. I have no idea.

20. Q Can you think of anybody else since you have  
21. been there who was also there a long time before, who has  
22. now gone?

23. A No, not that's been there for a long amount of  
24. time, no, because as far as -- well, Harold's been there  
25. the longest.

1  
2 Q Anybody else like Harold?

3 A I have been there -- I'm second in line.

4 Q Since you stopped taking wastes to Ottati, do  
5 you take the wastes someplace else now, that you used to  
6 take to Ottati?

7 A Drum wastes? No, we don't now. That's picked  
8 up for us and hauled out to Indiana.

9 Q By whom?

10 A I don't know the outfit. That's done by out-  
11 side trucking.

12 Q Do you know where in Indiana they go?

13 A No. Yes, they go to a landfill, but where it  
14 is I have no idea.

15 Q Do you know the name of it?

16 A No.

17 Q But it is in Indiana?

18 A Yes.

19 Q You do not know --

20 A And they have to Alabama, too. There's a land-  
21 fill in Alabama.

22 Q Do you know the company that picks up?

23 A No, I don't. No, I don't. They hire owner-  
24 operators. I don't know the name of the trucks.

25 Q Do any of the wastes go to New Jersey?

2C

0006489

84

1  
2 A Jersey handles our water waste.

3 Q How does that work? Do you deliver water  
4 wastes there?

5 A We deliver our water to Jersey, and they treat  
6 it in their treatment plant.

7 Q Where is the treatment plant?

8 A They treat it on their plant.

9 Q You mean in the solvents plant in New Jersey?

10 A Right.

11 Q Do your trucks take the wastes down there?

12 A The water?

13 Q Right.

14 A Yes. We have a tanker that takes it to Jersey.

15 Q Before the water was taken to Jersey, the water  
16 wastes, what happened to it?

17 A Well, your guys like Ace and these other people  
18 would take it for us.

19 Q They took water wastes then?

20 A Yes.

21 Q Not just the solid wastes?

22 A Right.

23 Q So this started when, water wastes being taken  
24 offsite?

25 A Ever since I can remember. It was never --

ACE took  
water and solid

1 water waste and stuff, ever since I have been there, in  
2 May of '70. Nothing was just dumped and let go.  
3 Everything -- all waste was always handled one way or  
4 another. It was taken off the plant or else it was used in  
5 the incinerator.  
6

7 MR. CAREY: Off the record.

8 (Discussion off the record)

9 (A recess was taken.)

10 MS. DOLGIN: I have a few more; then I am  
11 through.

12 BY MS. DOLGIN:

13 Q You were discussing previously about Ace picking  
14 up wastes and taking it to Bristol.

15 A Yes, but that was -- I never seen him take it  
16 to Bristol. I was never told by Al Tatro he was taking it  
17 to Bristol. This was just plant gossip, Ace was going to  
18 Bristol.

19 Q At that time did you hear about anybody else  
20 taking any wastes from --

21 A From Solvents?

22 Q Right.

23 A When Ace was doing it, no. That was the only  
24 person hauling our waste at that time.

25 Q And --

1  
2 A There was a man who would come in to pick up the  
3 oil wastes out of Meriden. I don't know what his name was.  
4 He used to come up and pick up the oil wastes.

5 Q What is the oil waste?

6 A Well, you would pick up chemicals that would be  
7 contaminated with oil, and the oil would be separated and  
8 stored into a bulk tank, and somebody would come and pick  
9 up the oil and take it away.

10 Q What time period did that take place in?

11 A Well, that was done ever since I've worked  
12 there, until the last few years, to where we sell our own  
13 fuel oil now.

14 Q Who was that person who picked the oil up?

15 A I don't know. He used to come in with a truck  
16 with no name on it.

17 Q How often did he come?

18 A Often meaning what? It would depend on the --  
19 sometimes once a week, sometimes once a month, depending on  
20 the amount of oil that we would have from the customers.  
21 There was never no set schedule. He would come every  
22 third day and pick up a thousand gallons.

23 Only when we needed him they would call him.

24 Q This was because you would pick up waste oil  
25 from your customers?

Oil

1  
2 A Different customers, right, solvents from  
3 customers, and then some customers you would oil as the  
4 contaminant of the solvent, and we would separate it.

5 Q Is this one of your procedures?

6 A That's our main business, is cleaning up sol-  
7 vents.

8 Q The oil was separate from the other residues?

9 A Right. Right.

10 Q What tank would you put that in?

11 A At that time, it was -- at that time it was  
12 stored over -- what's the next letter?

13 Q J.

14 A It would be over in this area here (marking  
15 document). That would be for the oil waste.

16 Q Anyone besides Ace and the man who picked up  
17 waste oil? Were there any other people, companies, that  
18 picked up wastes while you were there?

19 A Somebody by the name of Julianano used to pick  
20 up when I first started working there.

21 Q What did he pick up?

22 A He would pick up the waste in the drums.

23 Q Do you know where he would take it?

24 A No, I have no idea.

25 Q When did he stop taking wastes?

- 1  
2 A When Ace started to pick up.  
3 Q So that was?  
4 A I really don't know the exact year Ace started.  
5 Q It was after the incinerator shutdown?  
6 A Juliano used to pick up when we were also using  
7 the incinerator, yes. He used to pick up small amounts,  
8 in drums only. Drum.  
9 Q Then Ace started, after the incinerator?  
10 A Yes. Ace started after the incinerator wasn't  
11 used any more.  
12 Q Right after that?  
13 A Yes. I would say so. Yes. Yes.  
14 Q So do you know what year -- when did the  
15 incinerator stop being used?  
16 A The exact year I don't know.  
17 Q Do you think it was in --  
18 A They were using it when I started working there  
19 in '70, and they must have used it for at least two or three  
20 years after I started. That's just rough guessing now.  
21 Q So that was --  
22 A I'm not positive.  
23 Q That was when Juliano was picking up wastes,  
24 then?  
25 A Juliano was picking up from the time I started



working, yes.

Q Until after the incinerator stopped?

A If he was, it was a short time period, until Ace took over.

Q Was he from the Southington area?

A Juliano?

Q Yes.

A I don't know where Juliano is from. I think New Haven, but I'm not sure. I'm not sure.

Q Was his company called New England Barrel Company?

A I don't know what Juliano's company was called. I just knew him by his name, Juliano.

Q How often would he come, do you remember?

A Whenever they needed a load. It could vary.

Q You never heard where he took his stuff?

A No. No.

Q Was he already making pickups when you came to work there?

A Yes.

Q Do you know how long he had been doing that?

A No.

Q What was Juliano picking up?

A Drums of waste.

Q These wastes came from what part of the process?

A This would be from the still, after the material was distilled.

Q Still bottom?

A Right.

Q What about heavy bottoms? Would he take heavy bottoms, too?

A Still bottom and heavy bottom? What's your -- what's the difference?

Q Heavy bottom was the stuff that was in the barrels.

A When you got it from the customer?

Q Right.

A Well, the drum people used to get those, the majority of them. Ones that they wouldn't take, if they were too much material in them, then Juliano would take them.

Q Did you ever bring anything from New Jersey up to Solvents in Connecticut?

A For cleaning?

Q Yes.

A Yes.

Q How frequently?

A Very, very seldom.

Q Why would that be done, when it was done, do you know?

A Because there's certain types of materials that they don't do down there, that we do a better job on.

Q What were they?

A Chlorinated type solvents.

Q Would all the chlorinated solvents come up from Jersey?

A It's very few in number. I don't know if they all do. I know they still haul some, but not very much.

Q How about back in the early '70's, mid '70's?

A No.

Q When did you start bringing them up?

A Three or four years ago.

Q Did you ever haul anything else up from New Jersey?

A Yes. When we were hauling to Niagara Falls, once in a while we would bring a load of material up from Jersey to be treated at our plant, to be sent to Niagara Falls.

Q Did you ever bring any wastes up?

A Well, that's -- yes, that would be the Niagara Falls material. That would be the waste.

Q What would happen to it at your plant?

Delivered  
from  
N.Y.

1  
2 A Well, we would fill up the drums that weren't  
3 full, and we would pour Speedy Dry on them to solidify any  
4 liquid that was in the drums, and we'd put it on our trucks  
5 and ship it up to Niagara Falls.

6 Q Niagara Falls -- that was a landfill there?

7 A That was the landfill, yes.

8 Q Do you know what the name of that landfill was?

9 A Cecos.

10 Q Cecos?

11 A C-e-c-o-s, Cecos International.

12 Q Did you ever haul any barrels up from New Jersey  
13 that had heavy bottoms in them?

14 A Right.

15 Q Is that what you would bring up?

16 A Right, that's what we would bring up from Jersey  
17 when we were hauling to Niagara Falls.

18 Q Did you ever bring up any still bottoms from New  
19 Jersey?

20 A Well, if there was still bottoms or heavy  
21 bottoms I couldn't tell you. I mean it could have been  
22 still bottoms, it could have been just heavy bottoms. We  
23 brought their heavy drums up here for disposal. Not all of  
24 them; just a very few amount.

25 Q This went on the whole time that you were --

1  
2 throughout the '70's?

3 A No. Throughout the '70's?

4 Q Right.

5 A We didn't haul till -- to the burial grounds --  
6 until -- we only did it for about a couple of years.

7 Q What years was that?

8 A Must have been '78, '79, somewhere in that area.

9 MS. DOLGIN: Okay, I am through.

10 MR. PARISE: I just have a lot of odds  
11 and ends. There is no real sequence to it.

12 BY MR. PARISE:

13 Q What paper did you generate in your job,  
14 besides bills of lading, things like that? Did you ever  
15 write any memos, for example?

16 A No. No.

17 We would have a driver's log, required by the  
18 federal government, where it would show where the driver  
19 went.

20 Q Anything else, besides that?

21 A No, we never generated no paperwork, as far as  
22 the driver is concerned. No. We would just handle the  
23 bill of ladings to cover the loads that we were hauling.

24 Q That and the driver's log.

25 Anything else?

1  
2 A No, that was it.

3 Q Does the name IES ring a bell?

4 A IES?

5 Q Yes, Industrial Environmental Services.

6 A No.

7 Q No memory at all?

8 A No.

9 Q What is or who is Decotone?

10 A That's a customer of ours up in Westminster,  
11 Massachusetts.

12 Q What is that business?

13 A It's a paper -- they coat papers up there.  
14 They print on papers and they coat papers.

15 Q Have you ever made deliveries or pickups there?

16 A Yes. Used to be one of our major customers.

17 Q What form of ---

18 A Drums and bulk.

19 Q Do you know what material you were handling?

20 A Not specifically, no. It was more or less your  
21 ketones, like your MEK, and your alcohols.

22 Q In what years?

23 A Ever since I have been working there, until two  
24 years ago. They closed down.

25 Q What about Columbia Magnetics?

1  
2 A Columbia Magnetics. It sounds familiar. I'm  
3 trying to remember where it was. It sounds familiar. I  
4 can't picture it.

5 Q Somewhere in Connecticut, maybe?

6 A That's that place in Danbury, yes, okay.  
7 Columbia tapes, for records, okay.

8 Q Did you ever make pickups or deliveries there?

9 A Yes. Yes, right, we used to pick up there and  
10 haul into our plant here. But that was a major customer of  
11 our Jersey plant.

12 Q What years were those?

13 A Specific years I don't know.

14 Q Give me an estimate, if you can.

15 A Well, when we picked up there, our Southington  
16 plant, we only used to pick up maybe once or twice a year.  
17 Like I said, that was a major customer of our Jersey plant.  
18 They used to pick up bulk, tank wagons, but that wouldn't  
19 go to us. They used to handle that.

20 Q Which company's drivers would pick it up, then?  
21 Would you, as a driver for -- would you pick the stuff up  
22 there at Columbia --

23 A At the times it came into our plant in  
24 Southington we picked it up, but that was drum material.  
25 Like I said, once or twice a year. Our Jersey plant used

1  
2 to do it with a tank wagon. We had nothing to do with  
3 that.

4 Q What years were those?

5 A Oh, I don't know. I didn't work down in  
6 Jersey. I don't know how long they had them as a customer.

7 Q Give me an estimate of what years your pickups  
8 and deliveries were.

9 A That we picked up?

10 Q Yes.

11 A I'd -- a guess, okay, I'd say maybe '75 and  
12 '76, when we picked up maybe two or three loads.

13 Q Do you know what material it was?

14 A No. No. I have no idea. I can't remember.

15 Q Do you know the name Solo Drum?

16 A Yes, Solo Drum sounds familiar, but I don't  
17 know. I can't -- I never did no business with them. I  
18 can't remember, anyway.

19 Q Earlier, you mentioned that you never handled  
20 open drums. Is that your memory of what you said earlier?

21 A Never handled open drums? I meant we never  
22 handled them on the highway. In other words, I would  
23 never put an open drum on a truck and take it on the high-  
24 way.

25 Q How would they be sealed?



1  
2 A It would be a closed drum. It would either be  
3 an open-top drum with a cover on it and a ring around it,  
4 or else it would be a sealed drum with just the bun hole on  
5 it that screws off.

6 But all drums are sealed when they're on the  
7 trucks for highway use.

8 Q That was both at pickup, when they were loaded --

9 A Pickups and deliveries, yes.

10 Q Would you inspect them?

11 A When we picked up from customers?

12 Q Yes.

13 A Yes. Yes.

14 Q Would you inspect them when they were loaded  
15 for delivery?

16 A They'd already been on the truck, yes. They'd  
17 already been on the truck.

18 Q So you would not inspect them when they were  
19 loaded on the truck for delivery?

20 A Well, the drivers have instructions to get into  
21 their trucks on the morning to check the load out, make  
22 sure they've got the right drums on the truck, stuff like  
23 that. We'd never move the drums around and make sure this  
24 wasn't leaking; you couldn't do that when they were on the  
25 box, anyway, because you'd have to unload the whole trailer.

1  
2 Q What about when you made pickups? Wouldn't you  
3 inspect the load as you loaded it on?

4 A Yes, because you loaded it; the driver loaded  
5 the truck.

6 Q Could you just explain how that would happen?

7 A You'd pull into a customer. Okay? You'd  
8 pull into -- say this was a company -- you had a loading  
9 dock out back. We backed the trailer into the loading  
10 dock, and the man would say "Here's the drums that are  
11 going," and you would take the drums and you would put them  
12 on your trailer. And, as you were taking your drums and  
13 putting them on the trailer, if a drum was leaking or  
14 cracked open or the top was missing, you wouldn't even  
15 touch it.

16 Q Would you have to operate the fork lift truck?

17 A We didn't touch fork lifts, no, no. Like if  
18 the drums were on the ground, they had to be picked up to the  
19 ground to be put on the trailer; their company would pick  
20 up the drums with a fork lift and put them on the back of  
21 your truck. Then you would take the drums and load the  
22 truck.

23 Q After one of your trucks had been unloaded, a  
24 truck that would carry drums, did you ever have to clean  
25 those trucks? Have you ever cleaned those trucks?

1  
2 A Yes. Yes.

3 Q What would be the material that would be  
4 cleaned out?

5 A Mostly dirt and stuff like that. Not a chemi-  
6 cal waste.

7 Q Would there be any chemical waste?

8 A There has been, yes, from drums that have broken  
9 up as you traveled on the highway, a drum has broken, et  
10 cetera. Yes.

11 Q Can you remember any specific instances of that?

12 A Yes. It's happened to me a couple of times,  
13 yes.

14 Q Has it happened to other drivers?

15 A Where drums have broken while in transit?

16 Q Yes.

17 A Yes. Yes.

18 Q How would you clean -- or how were those trucks  
19 cleaned, the platform cleaned, after there had been a broken  
20 drum?

21 A They would go into the truck with Speedy Dry and  
22 pour Speedy Dry over the floor of the box, and then it  
23 would be swept and shoveled out into drums.

24 Q Has that always been the procedure?

25 A Yes. Yes.

1  
2 Q Ever since you started working there?

3 A Right. It was never just shoveled out onto the  
4 ground, no.

5 Q Who told you to do that? Or did someone tell  
6 you to do that, that procedure?

7 A To shovel it into drums?

8 Q No. The procedure for cleanup. Was there  
9 anyone who told you to do that?

10 A Probably Tatro.

11 Q Have you ever seen it written down?

12 A Not that I can remember, no.

13 Q Why do you say Tatro?

14 A Well, he was plant manager for the last ten  
15 years or so.

16 Q That time you mentioned earlier, when there was  
17 an accident and you hurt your eye, where was that?

18 A Ashaway, Rhode Island.

19 Q You were loading customer drums?

20 A Right, on the box.

21 Q Do you drive alone?

22 A Yes.

23 Q Have you ever driven with anyone else in the cab?

24 A Yes. Yes, once.

25 Q What occasion would that be?

1  
2 A Let's see. One time I was teaching new  
3 drivers, breaking new drivers in.

4 Q When was that?

5 A Eight or nine years ago.

6 Q Do you know who they were?

7 A No.

8 Q You do not remember their names?

9 A I can't. I can't remember his name. No.

10 Q Where were your trucks parked at the  
11 Southington plant?

12 A In area A, A and I, in that area there.

13 Well, you're talking trailers or the tractors?

14 Q Let's start with the trailers.

15 A All the trailers are parked in area A, right in  
16 this area here. For loading -- that's where they're  
17 parked when they're empty. The two box trailers that we  
18 have are parked in the first two slots in area I. All the  
19 empty tanks are parked next to that.

20 When the tankers are loaded, they are loaded in  
21 areas H and F.

22 Q Where are they parked, or are they --

23 A While they are being loaded, they're parked in  
24 areas H and F, and they are left there until the guy comes in  
25 in the morning and hooks up and goes on his run.

1  
2 Q How far away are the trucks that are parked in  
3 area A from the drum storage area, the closest drum storage  
4 area?

5 A The drums are right next to it.

6 Q Are those full drums?

7 A Yes, those are all -- all these drum storage  
8 areas are full drums.

9 Q How far away from the still processing area or  
10 the process area are those trucks? How far away --

11 A From area A?

12 Q From what you have marked, I guess --

13 A 50 feet, something like that.

14 Q How far away are the trailer trucks, the tanker  
15 trucks, in area H -- is that it?

16 A Yes.

17 Q -- where they are parked? How far away are  
18 they from the still process area?

19 A The length of this room.

20 Q Would you estimate for the transcript about how  
21 many feet? 20 feet?

22 A 20 feet.

23 Q How far from the bulk storage tanks are those  
24 trucks parked?

25 A From the bulk storage tank? At least a hundred

1  
2 feet, I'd say, at least.

3 Q How far from the drum storage, closest drum  
4 storage area?

5 A A hundred fifty to two hundred feet.

6 Q Is the process area always a round-the-clock  
7 operation?

8 A Yes.

9 Q So, when a driver goes in in the morning, is  
10 that operation sometimes under way?

11 A Always. The stills are going all the time, 24  
12 hours a day, seven days a week.

13 Q When a driver starts up his trailer, is that  
14 process going on?

15 A Yes. There's a difference between a trailer  
16 and starting -- you don't start a trailer. You've got a  
17 tractor.

18 Q Okay. Tell me the difference. I don't know.

19 A The tractor is the thing with the engine in it,  
20 that pulls the trailer. Those are all kept out here.  
21 They're parked out here.

22 Do you know what a tractor-trailer is?

23 Q It's got a separate unit in back?

24 A Yes. Okay. It unhooks.

25 Q Right.

1  
2 A I'm talking, as far as vehicle parking area,  
3 this is trailers; this ain't trucks. This is the  
4 trailers are parked here. The trailers are parked back  
5 here for loading and stuff.

6 The tractors that pull them -- they're all out  
7 in the parking lot.

8 Q How do you hook up the unit?

9 A You back into it. There's a pin on the bottom  
10 that your wheel grabs onto.

11 Q Does that occur when the still processing area  
12 is in operation?

13 A Yes. You hook up when the still processing is  
14 going on, yes.

15 Q Do you have spark-arresting mufflers on your  
16 trailers?

17 A On these trailers -- these are all diesel  
18 motors. These are all diesels. These aren't gasoline  
19 jobs. These are diesels. And, yes, they do. On the  
20 mufflers you have your spark arrester, whatever you call it.

21 Q Do you have any safety procedures?

22 A For what?

23 Q For loading and unloading drums when you are on  
24 your pickups.

25 A Yes, you're always -- you wear steel-tip boots,



you've got rubber gloves, supposed to be wearing glasses.

Q Are those written down anywhere?

A Yes, I believe they are, yes.

Q Have they been written down in the past? How long have they been written down?

A It's been rules ever since I have been employed there.

Q Is that word of mouth or --

A I don't know. I don't know. I think it's written down, but I couldn't tell you exactly.

Q You said you had never picked up leaky drums? Is that true? You said that before?

A Yes.

Q Has that ever been written down anywhere, that policy?

A Yes, it's written down. You're not supposed to pick up leakers.

Q Where is it? Was it written down when you first came there to work?

A I don't know if it's written down now, but I know it's been written down recently, within the past five years or so. I don't know if it was a written law back in 1970 or not.

Q Did someone tell you back in 1970 not to pick up

1  
2 leaky drums?

3 A Yes. Yes. Right. You never picked up a  
4 leaky drum, yes.

5 Q Who told you?

6 A Well, it would have been Frank Ciak then.

7 Q Who put it down in writing within the last five  
8 years?

9 A Either Al Tatro or it came up in a written memo  
10 from Jersey. I don't know. I believe it would be Al  
11 Tatro.

12 Q You also mentioned earlier that you never picked  
13 up damaged drums; is that right?

14 A Recently.

15 Q Is this written down, that policy?

16 A Right.

17 Q Was it a word of mouth policy before being writ-  
18 ten down?

19 A Well, we used to pick up damaged drums before,  
20 as long as they weren't leaking. There's a difference.

21 Q When did that change?

22 A Within the past couple of years.

23 Q Do you know who made that decision?

24 A Yes. The decision was made out of our Jersey  
25 plant, yes.

1

2

Q Do you know the person's name?

3

4

A No. Well, I would say it would be Uly Marini,  
but I mean he was the one that's in charge of the New  
England plant.

5

6

Q My last question is:

7

8

Have you ever had any spills while you have been  
in transit?

9

A Yes.

10

Q With a tanker truck?

11

A Yes.

12

Q Have you had any spills with a load of barrels?

13

A Yes.

14

Q How many times have you had spills with loaded  
barrels?

15

16

A With loaded barrels?

17

Q A load of barrels in transit.

18

19

A Oh, maybe six times, seven times, something like  
that, within the last eleven years, where a drum would break  
open.

20

21

Q How many times with a tanker truck?

22

A Twice.

23

Q Where were those two tanker truck ones?

24

25

A One was in Massachusetts, on 128, where the  
bottom of the tank fell out on me when I was going down the

1  
2 highway.

3 The other time was in -- on the Jersey Turnpike,  
4 where the back of the trailer split open.

5 Q What happened at each of those occasions?

6 A Well, on the first occasion, there was a state  
7 trooper right behind me, and he saw the whole thing happen,  
8 and I dropped 6,000 gallons of material on the highway.

9 The other time was I noticed a trail behind me  
10 on the highway -- it was at night, on the Jersey Turnpike --  
11 and I pulled off on the side of the road, and I saw the back  
12 of the tank was breaking open. And I pumped my load immedi-  
13 ately from the rear of the tanker into the front of the  
14 tanker on the side of the highway, so all I dropped was 50  
15 gallons, probably, at the most. The state trooper pulled  
16 in, they filled out the paperwork, and I continued home.

17 Q What were you taking in each of those incidents?  
18 Were they clean chemicals?

19 A Dirty chemicals. I was hauling them to our  
20 Jersey plant, to be processed.

21 Q In both of those instances?

22 A Both, yes.

23 Q Do you remember where you were hauling them from,  
24 to the New Jersey plant?

25 A Yes. The one in Massachusetts was coming out.

1  
2 of Raffi & Swanson in Wilmington, Mass, and the one in New  
3 Jersey was coming out of Armstrong Cork out of Lancaster,  
4 Pennsylvania.

5 Q Why were you taking them to New Jersey?  
6 Start with the Raffi --

7 A No, that was coming to Southington. The one  
8 out of Armstrong Cork was coming to Southington, too.

9 I was on the Jersey Turnpike when it happened.

10 Q I thought you had said earlier you were taking  
11 them to the New Jersey plant.

12 A Not on my two spills, no.

13 Q Of the six or so spills--you had made an esti-  
14 mate of six or so or a dozen times --

15 A I wouldn't say a dozen. I'd say six or seven.--

16 Q -- have --

17 A -- where an incident happened where a drum would  
18 crack open or a drum would leak while in transit.

19 Q Did any of those occur while you were in  
20 Southington?

21 A They would occur on the highway, and I would  
22 find out about them once I got to Southington, because you'd  
23 open up the back of the box and it would all be wet inside  
24 the box and stuff.

25 MR. PARISE: I do not think I have

anything else.

CROSS-EXAMINATION

BY MR. MILLSTONE:

Q When you were first hired, were you the only driver?

A Only full-time driver.

Q Were there part-time drivers then?

A Just one, an old man that used to go out maybe once a week.

Q What was his name?

A Joe. I don't know his last name. I don't even know if he's alive. He was about 70 years old at that time, so --

Q How long did he work with you?

A He would go out with the small straight truck to pick up drums when I was out on the tractor-trailer, and, like I said, maybe once a week is the most that he would drive. The rest of the time he worked inside the plant.

Q When did other part-time drivers --

A Start working?

Q -- begin to be added?

A About '75, '76.

Q Are these the same part-time drivers that are

1  
2 now working?

3 A Right, yes.

4 Q So there was a box and a stake truck in 1970,  
5 when you were --

6 A In 1970 there was just the stake, rack truck.  
7 When I needed a box, I would pick it up from Commercial  
8 Truck Leasing, who we used to do our business with at that  
9 time, until they were bought out by Ryder. We've done all  
10 our business with Ryder.

11 Q You stated that the largest of the tanks held  
12 14,000 gallons; is that about right?

13 A Let me see now. Yes, thirteen-four, 13,400  
14 gallons was the capacity.

15 It's not in use no more.

16 Q You do not use that?

17 A It's been retired.

18 Q But when that was used and when it was fully  
19 loaded, that would have been the biggest single load that  
20 you would bring in?

21 A It was never fully loaded. It was a combina-  
22 tion tanker. It was divided into four compartments. Two  
23 of the compartments---three of the compartments were for  
24 clean material; one of the compartments was for dirty  
25 material. You would have either clean on or dirty on, but

1  
2 you would never have both on at the same time. In other  
3 words, you were either delivering a clean load to the custo-  
4 mer, or else you were picking up a dirty load to bring back  
5 to the Southington plant, but you never had two types of  
6 material on at the same time.

7 Q Do you recall making pickups from a company  
8 called Rexall Chemicals?

9 A Rexene. Rexall? Mobil Chemical now. Yes.  
10 When I used to do it, it used to be Rexene. I think they  
11 changed to Rexall or something. But they are Mobil Chemi-  
12 cal now.

13 Q Do you know the quantity of material you would  
14 pick up on an average pickup from them?

15 A 6,000 gallons a load.

16 Q Do you know how often you would go to them?

17 A Once a week.

18 Q Did other drivers go there, too?

19 A Not at that time, no. I was the main driver  
20 at that time. I used to be the only one to go there.

21 Q Did you bring back 6,000 gallons a week?

22 A Right, yes.

23 Q When you cleaned out the burner, what did you  
24 do exactly? I mean what was it. Did you go in there  
25 with a shovel and shovel the stuff? Where, and what was



1  
2 it?

3 A It was the waste chemicals. The still bottom  
4 was pumped into the burner and it was burned, and it would  
5 leave an ash. Used to go in and shovel it out into 55-  
6 gallon drums.

7 Q Did Environmental Waste come to you to pick up  
8 the acids?

9 A They used to come to -- I never went to  
10 Environmental to make a delivery. I think a couple of our  
11 drivers had been there twice, at the most. They used to  
12 come and pick up the material from our plant the majority  
13 of the time.

14 Q Do you know where the barrels came from when  
15 you would bring clean solvents back to customers in barrels?  
16 Where did those barrels come from?

17 A From Drum Handlers. They own Steel Drum,  
18 Kingston Steel Drum.

19 Q They would take the dirty barrels and pick up  
20 the clean barrels and give you clean barrels in return?

21 A Right. Recondition drums.

22 Q You said that water wastes were shipped to New  
23 Jersey?

24 A They are shipped to --

25 Q They are and they were in the past shipped to

1  
2 New Jersey?

3 A Yes.

4 When Ace used to take them away from us, they  
5 weren't. They didn't go to Jersey until after Ace stopped  
6 hauling.

7 This is water that's taken off the material in  
8 the distillation process, your condensation and so forth.

9 Q Did you used to haul it down, yourself, then, to  
10 New Jersey? You would drive it down?

11 A Ever since it started going to Jersey, we do  
12 all the hauling, yes. We have one tanker that hauls  
13 nothing but water.

14 Q How many trips would it take --

15 A One week it might go once; one week it might go  
16 twice. Depends on how much water is pulled off the  
17 material in the distillation process.

18 Q 5,000-gallon tanker?

19 A Four.

20 Q You said that there were six tankers, tank  
21 trailers, two of which hauled clean waste?

22 A Clean product.

23 Q Clean solvents?

24 A Right.

25 Q One of which hauls water --

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A Well, the third tanker hauls water.

Q A third --

A The tanker that hauls water -- that's all it hauls, is water.

Q Then are there three, then, that haul dirty solvents?

A Yes.

One of the clean tankers is a combination tanker, that hauls clean and dirty. It's got the different compartments. Then we got -- let's see -- four tankers that haul nothing but crude material.

Q Then one that just hauls the water?

A One hauls the water, right.

Q Does this tanker that goes to New Jersey with the water come back empty?

A Right.

MR. MILLSTONE: I have no more questions.

BY MR. COOPER: EXHIBIT 100-100000

Q You said that there were some haulers that would bring in materials on their own; is that correct?

A For processing.

Q For processing?

A Either a company or trucking outfit that would pick up from a customer, yes.

1  
2 Q Can you identify the major customers who would  
3 bring in their own materials for processing?

4 A No, because I had nothing to do with that.  
5 I would only be -- I would only deal with the customers that  
6 we did the trucking for. As far as customers providing  
7 their own transportation, I had no idea of that, no.

8 Q From your personal knowledge, though, do you  
9 know which customers those were that would have brought in  
10 materials on their own?

11 A No, not really, because, see, I wasn't there  
12 during -- I wasn't at the plant during the day. I'd be  
13 out on our truck, and I would never see the trucks come in  
14 and go.

15 Q You would not see what sort of operations would  
16 take place in terms of the dropping off of materials once  
17 the customers had come and delivered them?

18 A Would I see it?

19 Q You never saw that?

20 A On occasion. I would see it once in a while,  
21 yes.

22 Q Do you remember the names of any of those  
23 customers?

24 A No, not really, I don't, because a lot of them  
25 wouldn't even have markings on their trucks. I really

1  
2 can't remember.

3 Oh, yes, Detrex, out of Gold Shield Chemicals,  
4 Windsor Locks, Connecticut.

5 Q Those are two different --

6 A No, the same company.

7 Q Windsor Locks?

8 A It's either Windsor Locks or South Windsor.

9 Q Did you ever observe the operations of Detrex  
10 when they were unloading?

11 A Yes.

12 Q How would that work?

13 A They'd come in with drums of material; the  
14 driver would haul the drums to the back of the truck; the  
15 plant personnel would pick up the drums with a fork lift  
16 and take them and store them in the drum storage area.

17 Q So was there any difference in operation  
18 between what the customer bringing his own materials would  
19 use and your own operations?

20 A The same thing.

21 Q You also mentioned that certain common  
22 carriers would deliver materials on the site. Could you  
23 elaborate on that?

24 A The same thing as the customer doing it. If a  
25 customer didn't have a truck and they didn't use us, they

1  
2 would have a common carrier would do the same job that  
3 we're doing. They'd just charge more, that's all.

4 Q As far as the assignment of jobs, I understand  
5 that as a practice nowadays notices will be put upon the  
6 drivers' board as to where there are to be pickups for that  
7 coming day?

8 A Right.

9 Q Today, do those notices identify the materials  
10 that are to be picked up, in terms of the composition of  
11 those materials?

12 A When the driver goes out, it's a generalization  
13 of what you're picking up. It's not a hundred percent  
14 accurate description of the material.

15 In other words, if you're going out to pick up  
16 a load of waste thinners, it won't tell you that 10 percent  
17 is this, 20 percent is this, 2 percent is this. No, it  
18 won't.

19 Q Not on the notice?

20 A No.

21 Q Is there any difference in the notice procedure  
22 between November 1980 to the present and the period before  
23 that?

24 A As far as the notice for the drivers to make  
25 the pickups?

1  
2 Q As far as the description of what is being  
3 noticed for pickup.

4 A No. It's more or less the same, as far as the  
5 notice for pickup. The pickup is different, though.

6 Q It is at the point of pickup that you have an  
7 identification of materials that you are receiving?

8 A Right.

9 Q Who owns the drums that you pick up?

10 A The customer.

11 Q They are the customer's drums?

12 A When we pick them up? They are the customer's  
13 drum. They are SRS's drums once we pick them up. It  
14 becomes our property, the drums.

15 You're talking about the drums or the material  
16 in the drums?

17 Q Let's stick to the drum at this point.

18 Q The drums?

19 Q The drums, themselves.

20 A Once we pick them up, they are SRS properties.

21 Q They become your property. You are pur-  
22 chasing the material, waste materia, together with the drum?

23 A No, we're not purchasing it. The customer is  
24 paying us to reclaim his material for him. The drums  
25 automatically become our possession once we pick them up.

1  
2 We're not paying him for those drums. In other words,  
3 we don't -- when we pick up a customer's material and drums,  
4 we don't turn around and send back to the customer the  
5 dirty, empty drum.

6 Q That is the point I was going to be leading to.

7 A No, we don't do that.

8 Q In response to Mr. Millstone, I believe I  
9 understood that the drum handler would provide to Solvents  
10 Recovery conditioned drums?

11 A We purchase those.

12 Q You purchase those?

13 A Right.

14 Q They are then filled with the processed material?

15 A The claimed material.

16 Q Which is then delivered to customer?

17 A The customer.

18 Q At which point that drum then becomes the  
19 property of the customer?

20 A The customer is paying us for those drums. We  
21 buy them from the drum handler, and, when the customer gets  
22 those drums delivered to him with material in it, he's  
23 paying so much per each drum.

24 Q The drums which you pick up, which contained  
25 waste materials in them --



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A Right.

Q -- those start as the customer's drum and become Solvent Recovery's drum?

A Property.

Q Upon possession?

A Right.

Q What form of identification is attached to these drums?

MR. COOPER: Let me rephrase that question.

Q You said that you may pick up on a particular delivery all of your drums from one customer or you may make two or three stops during a route and pick --

A Okay, I see what you're saying. You're talking now, today?

Q I am talking today.

A Each drum that has a sticker on it, a hazardous waste material sticker -- that drum contains hazardous waste.

Q Does it identify the customer?

A It identifies the customer and the material inside the drum.

Q That is stuck to, attached to, the actual drum?

A Each individual drum.

1  
2 Q Nowadays, does that identify the composition of  
3 the materials that are inside?

4 A Right, yes.

5 Q If we can focus now on the procedures that you  
6 take when you deliver to the New Jersey plant, are there  
7 particular types of materials which you will be delivering  
8 to the New Jersey plant?

9 A They get the majority of our crude mineral  
10 spirits that we pick up from our customers. They do all  
11 that processing for us.

12 Q You just become a way station for later  
13 delivery of those materials to New Jersey?

14 A Right.

15 Q How are they stored while they are waiting for  
16 delivery to New Jersey?

17 A In drum storage tanks, in area G.

18 Q Are there any other particular types of  
19 materials that are not processed in Southington but are  
20 instead taken to New Jersey, other than the mineral spirits  
21 that you have referred to?

22 A Yes. They do something else. It's DMA, I  
23 think they call it. I don't know what the composition of  
24 it is.

25 Q DMA?

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A All I know about it, it's referred to as DMA.

Q DMA?

A DMA or DMF.

Q DMA or DMF?

A DMF I think it is.

They do all that processing for us.

Q You also stated that, when there was a peak period here in Southington, you would make deliveries to New Jersey?

A Yes. When our business got to be overflowing, where our stills couldn't keep up with it, instead of leaving the material at the customer's plant, where he might not have room, we would pick it up and ship it to our Jersey plant for processing.

Q Would that go directly to New Jersey from the customer, or would it come through Southington?

A It would probably come through Southington, because they would probably switch drivers in Southington. It would be picked up during the day; then I'd have a driver take it out at night to deliver it to Jersey.

Q Is that a process that continues today?

A Yes. Yes.

Q How often during the course of the year do you have this condition where there is a peak period?

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A Right now.

Q Once a year?

A No. Last year it lasted for about three or four months. This year it hasn't stopped yet.

Q During the time that you were receiving battered drums or rusted drums, where would those drums end up? These were drums which you received from your customers.

A After they were cleaned out, they would be picked up by Juliano, Ace, any one of these guys.

Q In accordance with the previous discussions that you have had?

A Right.

A lot of drums, where they were so badly damaged, where a drum hauler wouldn't handle them, you know -- the tops would be opened up -- then your still bottoms would be put into these drums. Then these drums would be given to Ace and Juliano and stuff.

MR. COOPER: Could you repeat that.

(The answer was read.)

BY MR. COOPER:

Q So there would be material stored in these battered drums, that then Juliano and Ace would pick up?

A Right.

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Q Even though these were drums which were leaking drums?

A Oh, no, not if they were leaking. I'm talking about battered --- leaking drums? No, leaking drums were never filled up with material.

Q What would happen to leaking drums?

A Well, if a clean drum brought in to us, and if it was a leaky drum, it would be sent back to the drum handler that gave it to us. We would get credit for it.

If we picked up a drum on the road and we got into the plant and it was leaking, those drums would be, once they were cleaned out -- it depends on your leaks, now. If you're talking where a drum is split open a foot-long crack or something like that, that drum's no good; nobody would take it.

Q So what happens to that?

A I don't know. I can't -- I don't know.

Q Would they be land-filled?

A I really can't -- I really don't know where that drum would go. It wouldn't be filled up and land-filled for material that we would haul to landfill. Is that what you mean?

Q No. I just wondered what would happen, if you knew.

1  
2 A No. No, not for an empty, badly damaged drum,  
3 no, I don't.

4 Q Do I understand the process today is that you  
5 will pump the residue from a waste drum into your fuel tank?

6 A Our fuel storage tank that we --

7 Q Your fuel storage tank?

8 A Right. It's Hquefied, right.

9 Q This could be a composite of a whole series of  
10 types of materials; is that right?

11 A Right.

12 Q What happens to that?

13 A This is shipped out as fuel to cement companies  
14 in Pennsylvania.

15 Q Also to the Hudson Cement Company in New York?

16 A No, we don't do business with that. That's  
17 closed down. That was the first place I ever went to.  
18 We don't do business with them now.

19 Q Your understanding was that that material was  
20 then mixed with other energy sources, to produce --

21 A No, it was burned by itself. It wasn't mixed  
22 with others. Cement companies -- it's a whole different  
23 ball game. It's where they make cement, that the cement  
24 is dug out of the earth as a wet substance, and it's dried,  
25 and you have fires on different parts of the process, and

1  
2 one of the fires would be this waste.

3 Q Could you show us again on the site plan there  
4 where the spill occurred when the tank was overloaded?

5 A Oh, that was up in area G. That happened when  
6 they were unloading one of the trailers one time, a  
7 storage tank, up in area G. It overflowed the top of the  
8 tank.

9 Q This would have been pumped out from the  
10 trailer to the tank?

11 A It was being pumped from the trailer into the  
12 storage tank.

13 Q What is the ground surface at that location?

14 A I think it's a sandy substance. I'm not sure.  
15 It's all diked in.

16 Q Was it diked at the time of the spill?

17 A Oh, yes, yes.

18 Q When was that spill?

19 A The exact date I don't know.

20 Q This year?

21 A No, I don't -- not -- no. If there was one  
22 this year, I don't know about. The one that I'm speaking  
23 about must have been two or three years ago. I'm not sure.

24 Q Can you summarize for us the changes in your  
25 operating procedures that have resulted out of the change

1  
2 in the law effective in November 1980?

3 A Ten times as much paperwork.

4 Q Maybe I misunderstood you. I thought that  
5 you said that you, yourself, were not involved in the paper-  
6 work, as far as the handling?

7 A We have more paperwork that we are handling on  
8 the road. In other words, you have more manifests for the  
9 material that you're hauling. You have to type up -- not  
10 type up. You have to fill out your paperwork when you get  
11 back at night, as far as your runs made for the day, the  
12 material you hauled. There's more paperwork that you have  
13 to sign for your customer on your manifests, whereas you  
14 used to just go out with a regular bill of lading, the  
15 customer would sign for it, you'd sign for it. That would  
16 be it.

17 Q So it is fair to summarize the change as far as  
18 you are concerned has been the manifest operation?

19 A Right. Our handling procedures, as far as the  
20 drivers are concerned, on the road, at the plant and at the  
21 customers, is more or less the same, except that each drum  
22 has to be individually marked now, whereas years ago it  
23 wasn't.

24 Q Did I understand you to say that you had the  
25 tankers deliver waste materials to Niagara Falls, or was it



25/5  
the trailers with drums?

A The trailers with drums. The tanker never went to Niagara Falls for waste. That was just solid waste, it wasn't liquid.

2 Kinds of Sol Waste  
- From cust  
- Still bottoms  
Q The material that you are talking about which is described as solid waste would be the still bottoms from the distilling process?

A Right.

Q Any other types of sources of that waste material?

A Yes, solid waste that you would pick up from a customer.

Q Which you were not processing, yourself?

A Right. We were just hauling it for disposal.

Q For whom would you do that?

A Different customers. I mean, like I said, there's hundreds of customers. Some customers would be sending a load in for reclaiming and we would get it at the plant and it would be solid material.

Q You would still pick it up?

A Well, yes, because we would think it was liquid in the drum, you know. A customer would call up, "I have 80 drums. I need processed." I'd go up there and I'd pick up the material, but in the meantime his material would solidify on him in his drum, so it's no good, it's waste.

So, instead of paying for reclaiming, he's paying for disposal.

Some liquids -- some drums would be half-liquid, half-solid waste. Not every drum is solid liquid. Material sets up after a while.

Q The solid portion of it you cannot process?

A No. It's got to be liquid to process it.

Q Were there any particular customers where this occurred more often than not, where you would receive a higher percentage of solid material which you simply had to pass through?

A It would all -- it wouldn't just pass through. In the plant they would open up the drums and they would combine it with other materials for like a full drum. We'd never ship out an empty drum or a half drum for a burial site or whatever you call it.

Q Were there any particular customers where you found that you were continually getting more solid material than other customers?

A That I couldn't answer. I don't open up the drums and work with it.

Q Why was Niagara Falls chosen as a disposal site?

A Because it was a federally-approved chemical waste dump.

1

2

Q And --

3

A It's not Love Canal.

4

Q This is the Cecos landfill that you were --

5

A Right.

6

Q Is there any other landfill?

7

A In Niagara Falls?

8

Q In Niagara Falls.

9

A No, that was the only place we went.

10

Q This was all drums, drums with solid waste?

11

A Right.

12

Q Any other types of --

13

A Liquid waste, no. It was just solid waste.

14

Q As far as the Kingston, New Hampshire, procedure, was that also solely the solid waste drum disposal area?

15

16

A Right, but it did have some liquid on the material inside the drums.

17

18

Q So that --

19

A In other words, if there was some liquid -- see, Niagara Falls was just solid waste. They used to test their material. They would only take solid waste. But the one in Kingston, if there was some liquid on it, 6 inches or a foot of liquid, they would take that at Kingston.

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Q Are there two different Kingston operations,

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Ottati and one other one, or is it just Ottati?

A Ottati is the only one I ever hauled waste material to.

Q What type of permits, if any, would you need in order to deliver to Ottati?

A Just -- well, let's see. When we hauled to Ottati, as far as I know, he was approved by the State of New Hampshire to be doing the type of business that he was doing. He was supposed to have had some type of certificates, and that's up to Solvents Recovery to make sure that he does, et cetera. I just hauled for them.

Q You were not involved in any of the arrangements for the delivery?

A The administration type end of it, no, no.

Q None of the arrangements for delivery to either Niagara Falls or to Ottati?

A Oh, no. No. To make sure that the customer was qualified for a burial ground and stuff like that, no; I had nothing to do with that.

Q At the present time, you understand that there is solid waste drum disposal to landfills in Indiana and in Alabama?

A Right.

Q Does Solvents Recovery do any of that hauling?

1  
2 A We've hauled a couple of loads to Alabama, but  
3 we haven't done any of the hauling to Indiana.

4 Q What makes the choice between Alabama and  
5 Niagara Falls or Indiana?

6 A Well, we don't haul to Niagara Falls no more,  
7 because they are only set up for nonflammable chemical waste.  
8 All our chemical wastes -- the majority of it is flammable,  
9 even if it's solid. Niagara Falls only takes nonflammable  
10 at the present time.

11 Q That is a change in Niagara Falls' procedures?

12 A Right.

13 Q The early materials that you did deliver to them  
14 we assume were flammable?

15 A It's all flammable, yes, because they would bury  
16 that in a different spot than they would bury the non-  
17 flammable.

18 Q Currently, individual owner-operator trailers  
19 are used to take the majority of the solid waste to Alabama  
20 and to Indiana?

21 A No, to Alabama -- Alabama is Old Dominion  
22 Trucking Lines, common carrier. Old Dominion does that  
23 hauling for us, because they have all the state permits for  
24 hazardous waste hauling. They do the Alabama stuff.

25 The Indiana stuff -- it's just like -- it's

flammable  
is  
non flamm

Alabama  
and  
Indiana sites

owner-operators, but it's an outfit that has a burial site that they just hire somebody to go to Solvents Recovery in Connecticut to pick up their load, to bring it to us. But they have all the permits. They come in with all the paperwork, and it's approved by us before they load the truck, to make sure it's not some gypsy outfit that's going to drop it off in your local shopping center.

Q Why do you take the heavy bottoms in New Jersey, bring them to Connecticut, and then take them out to Niagara Falls?

A Because we were processing their heavy bottoms at the time. We didn't do all their heavy bottoms. On occasion, when we had a trailer in Jersey making a delivery, if they had an excess of drums down there, they would send some up to us. We would process it in Connecticut when we had a trailer going to Niagara Falls that particular week. We would fill their drums up, solidify them, and we would ship it out for them, because we have our own trucks up in New England. Jersey doesn't. They hire outfits to do their trucking for them. It's cheaper for us to do it.

MR. COOPER: I have no other questions.

BY MR. CAREY:

Q The first question is sort of tedious.

Starting with the year 1970, I would like you --

1  
2 I am going to help you a little bit by going through year by  
3 year -- to tell me the names of every driver that you can  
4 recall having worked for Solvents.

5 A The drivers?

6 Q Every driver, starting with the year 1970.

7 A Okay.

8 When I started in 1970, I was the only full-time  
9 driver. They had an older fellow, by the name of Joe. I  
10 don't know his last name. Do you know where he lived?

11 Q Waterbury, I believe. But they have his name on  
12 the records, because he was an employee of the plant.

13 He would just drive one day a week. He worked  
14 in the plant.

15 Q Anybody else in 1970?

16 A No, not until we hired part-time drivers in  
17 about '75 or '76, when we started hiring our first part-  
18 time drivers.

19 Q What were their names?

20 A The first two was Ed Pocock --

21 Q Where did he live?

22 A [REDACTED]

23 Q How do you spell his last name?

24 A P-o-c-o-c-k.

25 Ed Grosky.

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Q Where does he live?

A [REDACTED]

Q Anybody else before 1975?

A No, not in between that period there, no.

Q 1976 anybody new?

A Well, once we started hiring the part-time drivers, then we continued to hire part-time drivers.

Q Who was new in 1976?

A Who was what?

Q Any new drivers in 1976 that we have not talked about?

A Well, when we hired Pocock and Grosky, then it was -- then we added somebody on. Carl Seidel we added on.

Q Where did he live?

A [REDACTED]

Then we hired a Donald Dellveccia.

Let see. After him there was a Johnny Weiss.

Q Where did he live?

A [REDACTED]

Q Where does Dellveccia live?

A [REDACTED]

Who else? Bill Palmer.

Q Where does he live?

A [REDACTED]



Gene Dione. [REDACTED]

Then I just hired one last month, Merle Munson.  
He lives in Southington.

Q Anybody else from 1970 to 1980 that drove for  
Solvents, that you have not mentioned?

A John DuBois. John DuBois... He was the full-  
time driver. He drove for us full-time for a year. He's  
working in the plant now. [REDACTED]

And then Bobby Blair is the full-time driver now.  
I don't know where he lives.

Q I take it you are pleased with your job?

A I enjoy my job, yes.

Q How often are you paid?

A Every week.

Q How much do you make a week?

A It varies on the amount of hours that I work.

Q What is your normal salary a week? What is  
your normal hourly rate?

A I get paid seven-thirty an hour.

Q What is your normal work week, in hours?

A 60, 65 hours, sometimes more.

Q When does time and a half come in?

A After eight hours.

Q Per day?

1

2

A Per day.

3

Q For 40 hours a week?

4

A Right. Then, after that, everything is time and a half.

6

Q Other than overtime, have you ever received any special compensation from Solvents?

8

A One time; it was returned to the man that gave it to me.

10

Q What was that? Tell me about that.

11

A Somebody was selling solvent from the company, what I -- and I had happened to make the delivery at the time. I thought it was a regular company delivery.

14

Q And he paid you?

15

A And he gave me \$20 for it.

16

Q What was his name?

17

A Al Tatro.

18

Q When did this happen?

19

A 1971. I think it was.

20

Q Who did you tell about it?

21

A Nobody. I told my wife about it.

22

Q Before now, have you ever told anybody about it, other than your wife?

23

24

A Oh, yes. I've talked with the company lawyers on it, yes.

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Q When did you tell them about it?

A Last year.

Q Who specifically did you tell about it at that time? What were their names? Who were these people?

A This was some type of an investigation.

Q They were not your lawyers; were they?

A I don't know their names. No, there was an investigation outfit that came in to check on something in the intercompany. Something was going on.

Q Did they have a name?

A I don't know. I don't know who they were.

They interviewed me, in the office.

Q And then the only person I talked about it associated with the company was an Attorney Hall, Bob Hall.

Q When did he talk to you?

A Last year sometime, or it was this year. I think it was February, something like that.

Q Does he represent you?

A For what? For this?

Q Is he your lawyer?

A I don't have a lawyer.

Q He did not give you any legal advice?

A For that particular instance?

Q He did not give you legal advice; did he? He

1  
2 is not your lawyer?

3 A No. I have no lawyer.

4 Q What did you talk about with Mr. Hall?

5 MR. RODBURG: I will object.

6 MR. CAREY: On what grounds?

7 MR. RODBURG: Attorney-client privilege  
8 between Robert Hall and the company.

9 MR. CAREY: The witness testified he was  
10 not represented by Mr. Hall.

11 MR. RODBURG: That is true, but Mr. Hall  
12 did, and I can claim it on behalf of the com-  
13 pany.

14 MR. CAREY: The privilege extends only to  
15 legal advice, and so far the witness has not been  
16 asked to testify about legal advice.

17 MR. RODBURG: That is not how I read the  
18 latest Supreme Court opinion.

19 MR. CAREY: The witness can testify as to  
20 matters that do not concern communication of  
21 privileged information, matters of which he  
22 advised Mr. Hall, which would be proper subjects  
23 of deposition testimony.

24 MR. RODBURG: My objection is to your  
25 question as to anything he told Mr. Hall,

1  
2 because that is within the company attorney-  
3 client privilege, as Mr. Hall was acting on  
4 behalf of the company, and I can claim that  
5 privilege on behalf of the company since I repre-  
6 sent the company.

7 MR. CAREY: I will reserve that. Okay.

8 BY MR. CAREY:

9 Q Prior to coming here today, I gather you talked  
10 with Harold about his testimony?

11 A No. The only thing I talked to Harold about  
12 coming here -- he asked me where it was, and I said I  
13 haven't the slightest idea.

14 Q Is that all you talked about with him?

15 A Right.

16 Q Who else have you talked with about this testi-  
17 mony?

18 A John Purvis told me I had to come here.

19 Q What else did he tell you?

20 A That's all he said.

21 I asked what am I supposed to say, and he says,  
22 "Whatever they ask you."

23 Q Does anybody else know about your coming here  
24 today?

25 A Probably everybody in the plant does.

1  
2 Q I take it that everybody in the plant knew that  
3 Ace was disposing of waste material in the Bristol landfill?  
4 It was common knowledge?

5 A Yes, but I wouldn't say everybody would think  
6 about it. There's some guys that just come there and do  
7 their job and don't know what's going on.

8 Q But most people knew about it; right?

9 A If he was. I mean I wasn't told by Ace. I  
10 never saw him there. This was -- somebody said, "Do you  
11 know where he's going? He's going to Bristol with that."  
12 But nobody in management ever told me that.

13 Q But you believed it; didn't you?

14 A Believe it?

15 Q Yes. You have no reason to disbelieve it?

16 A No.

17 Q Did anybody tell you it was not so?

18 A No.

19 I never asked Ace where he was going with it.

20 Q Did anybody ever tell you it was not so?

21 A No.

22 Q Did you ever ask anybody about it?

23 A No.

24 Q I take it the common thinking in the plant was  
25 that Juliano was probably doing the same kind of thing?

1  
2 MR. RODBURG: Objection. Calls for  
3 speculation.

4 MR. CAREY: I am sorry, I did not hear  
5 the objection.

6 MR. RODBURG: Calls for speculation.

7 BY MR. CAREY:

8 Q You may answer the question.

9 A He was dumping it somewhere, yes. Where, I  
10 have no idea.

11 Q Somewhere. I gather Juliano does not fall into  
12 your class of gypsy truckers?

13 A Juliano was -- when I talk about gypsy truckers,  
14 I'm talking about owner-operators, tractor-trailers, big  
15 rigs.

16 Q Juliano is not a gypsy?

17 A No. He had -- there was some type of title to  
18 his company that he ran.

19 Q And Ace is not a gypsy?

20 A No. No, Ace -- Rocky and Joe owned Ace, and  
21 they used to do septic tanks and everything like this.

22 Q From 1970 until today, other than Ace or Juli-  
23 ano, have you ever heard of anybody else dumping unsafely  
24 or improperly on places where they should not be dumping?

25 A No, and I wouldn't even say that Ace and

1  
2 Juliano were dumping improperly or illegal. As far as I  
3 was concerned, they were permitted, and all their paperwork  
4 and everything that they were doing was legal. I'm not  
5 saying that Ace and Juliano were doing it illegal, because  
6 before they did business with Solvents they had to prove  
7 that they could do what they were doing.

8 Q Have you ever heard about anybody else dumping  
9 in the Bristol landfill?

10 A Oh, yes. Pratt & Whitney used to dump there  
11 all the time.

12 Q Who else?

13 A No specific names, but I knew all the Bristol  
14 industry used to use the Bristol landfill, just like -- I  
15 lived in Meriden, Connecticut, all my life, and all the  
16 Meriden industry used to dump in the Meriden dump when I  
17 was a kid. I used to see their trucks...

18 Q From 1970 to the present, have you ever heard  
19 about anybody dumping waste material of the type we have  
20 been discussing in any other landfill, other than the  
21 Bristol landfill?

22 A Have I ever heard? Is that what you're asking?

23 Q Yes.

24 A No.

25 Q Ever heard anybody mention anything like that?



1  
2 A No.  
3 Q Have you ever --  
4 A Things concerned with Solvents Recovery Service?  
5 Q Any kind of dumping.  
6 A No, not that I can recall at the present, no.  
7 Q Did you ever hear of any other drivers at  
8 Solvents dumping anywhere they were not supposed to?  
9 A No, never.  
10 Q Have you ever talked to anybody at Solvents  
11 about whether or not they have ever dumped someplace they  
12 should not?  
13 A No.  
14 Q Have you ever heard anybody at Solvents mention  
15 improper dumping?  
16 A No, never.  
17 Q The pickup notices that are on the bulletin  
18 board -- how big are they?  
19 A 3-by-5 slip of paper.  
20 Q Are they printed?  
21 A The girl hand-writes them out when she takes the  
22 telephone calls. Then, when they are scheduled to go out,  
23 she transcribes them onto a shipping order, which is like a  
24 5-by-7 sheet of paper. She types them out. They are  
25 just put up handwritten.

1  
2 Q When you go out on a run, what piece of paper  
3 do you take with you?

4 A A shipping order.

5 Q How many copies are made of that shipping order?

6 A There's three copies of it.

7 Q You take all three copies with you?

8 A Yes. It's one piece of paper, like.

9 Q Is that what you are calling the pickup notice  
10 that is put up on the board?

11 A No. The pickup notice that's up on the board  
12 is a regular single sheet of paper, 3-by-5 inches. She  
13 writes it out when she takes the telephone call.

14 When that run is scheduled to be made the next  
15 day or whenever it's scheduled to go out, she types up a  
16 shipping order; and that's what the driver takes with him.

17 Q Do you ever physically handle the shipping  
18 order, itself?

19 A Yes. I type some out when she misses one  
20 once in a while, for the drivers; or, I switch and run and  
21 she's not there, I'll type up the paperwork for the driver.

22 Q What happens to the first part of that shipping  
23 order?

24 A The first -- on a pickup or a delivery, the  
25 third copy is left with the customer, and the first two

1  
2 copies are brought back to the office.

3 Q Who are they given to?

4 A They are given to the -- they're put on the  
5 secretary's desk in her "in" basket, along with all the  
6 other paperwork.

7 Q What does she do with them?

8 A I have no idea. She files them, or they go out.  
9 I don't know.

10 Q Other than the shipping order, a manifest,  
11 ignoring the hazardous waste manifest, a bill of lading, what  
12 other paperwork have you handled for Solvents or during the  
13 course of your employment in Solvents as a driver in the  
14 last ten years?

15 A That would be it, as far as Solvents is con-  
16 cerned. I do a lot of paperwork for Ryder Truck. because  
17 of the trucks. But Solvents, no, that's it.

18 Q Have you ever received money for doing work for  
19 anybody else during the last ten years, other than Tatro?

20 A No.

21 Q Have you ever received instructions from anybody  
22 about talking to investigators from outside the company, of  
23 any kind?

24 A No, I don't think so, not that I can think of,  
25 no.

1  
2 Q To your recollection, you have never received  
3 any such instructions from anybody?

4 A No.

5 Q Are you at all concerned about the effect that  
6 your testimony is going to have on your work?

7 A No.

8 Q You indicated that Solvents up here never did  
9 anything at all without touching base with New Jersey?

10 A Right.

11 Q Do you mean that literally? They did not take  
12 a step or do anything without talking with New Jersey?

13 A Yes. Well, Jersey controlled everything.

14 Q Who was the guy in New Jersey who really con-  
15 trolled things up here?

16 A Well, Uly runs the Connecticut plant now.

17 Q He is the boss?

18 A Yes, he's more or less -- he's in charge of the  
19 New England plant, yes.

20 Q For example, I think you talked about an inci-  
21 dent where one truck backed into another --

22 A Right.

23 Q -- and there was a spill?

24 A Right.

25 Q Somebody called New Jersey to find out what to

1  
2 do?

3 A No. I handled that problem right there at the  
4 scene. I happened to be sitting in the office when it  
5 happened. It happened at five o'clock in the morning.

6 Q So you did not touch with New Jersey on that?

7 A No.

8 When you're talking about touching base with  
9 Jersey, I'm talking about the running of the plant,  
10 construction, new customers. Because our main lab is in New  
11 Jersey, they tell us how to run material in the stills. I  
12 mean if a guy has got to go to the bathroom, he doesn't  
13 call Jersey to ask to go to the bathroom.

14 Q You contacted the State of Connecticut to report  
15 that?

16 A John Purvis contacted the State of Connecticut  
17 when he came in.

18 Q So New Jersey was not involved with that at all?

19 A No.

20 MR. CAREY: I've got no more questions.

21 BY MR. KELLEY:

22 Q Who does the hiring of the part-time drivers?

23 A Al Tatro, John Purvis.

24 Q Are you involved in that at all?

25 A No, no. I'm not part of management.

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Q Do you know John Weiss?

A Johnny Weiss, very good.

Q He is from Bristol?

A Southington.

Q Do you know Gene Dione, also?

A I know them all very good.

Q Does Gene Dione have any connection with a police department?

A Yes, he's a police officer.

Q He is a police officer where?

A Bristol.

Q How about John Weiss? Is he connected with police work at all?

A Yes, he's a state trooper for the State of Connecticut.

Q Then all the part-timers, then, that you have had, are either state troopers or Southington or Bristol policemen; is that right?

A Right.

Q Do you know if there is a conscious policy of hiring police-related people to be these part-time drivers?

A Yes. They are more dependable than the majority of people who walk the streets.

Q Then it is a definite consideration when they

1  
2 are hired?

3 A Yes. They do a better job for us.

4 Q Are you familiar with the Cianci property that  
5 borders --

6 A Cianci?

7 Q -- this property on the east?

8 A That's that construction outfit, yes.

9 Q Have you ever seen any of the Solvents Recovery  
10 trucks on that property?

11 A On Cianci's property?

12 Q Right.

13 A No.

14 Q During the entire period that you have worked  
15 for --

16 A Cianci -- that's the guy on Lazy Lane with the  
17 construction?

18 Q That is right.

19 A No, I've never seen a Solvents truck there, no.

20 Q You mentioned early in your testimony about the  
21 weighing of the vehicles?

22 A Tank trucks.

23 Q When is that usually done?

24 A Whenever you go out with a tanker.

25 Q Where is that done?

1  
2 A The majority of our weighing is done at -- in  
3 Hartford, at the scales in Hartford, but we have scales  
4 wherever you can find a scale that will weigh your tractor-  
5 trailer, and you use it.

6 Q Where are the scales located in Hartford?

7 A Barrieau movers and van place.

8 We also use Hess Oil scales. We use Albert  
9 Brothers scales in Waterbury; and wherever there's a moving  
10 van place throughout any state you can get on there with a  
11 truck and get weighed.

12 Q What is the procedure about getting weighed?  
13 When do you get weighed and why do you get weighed?

14 A We get weighed when you go out to pick up a  
15 load or deliver a load with a tanker. You get a -- when  
16 you're loaded, you get a full weight, and when you're empty  
17 you get an empty weight, and the difference in the weight  
18 is the pounds of material that the customer has received  
19 from you.

20 Q Do they get billed by the pound?

21 A No, they get billed per gallon for all your  
22 ketones-type deliveries. Your chlorinated, some of it is  
23 per pound.

24 But from your material you take a specific  
25 gravity in the lab, and that tells you how many pounds per



gallon, and then from your weight slips on your truck you know how many gallons the customer has received.

Q After you go to one of these weigh stations and you have been weighed, do they give you at the weigh station some kind of paper, saying what your weight is?

A They give you a certified weight slip.

Q What do you do with that?

A We give one copy to the customer and one copy back to the office.

Q So this is again another piece of paperwork that you have to handle for the company?

A Oh, yes.

Q They keep it as part of their records, I presume?

A I presume, yes.

MR. KELLEY: That is all I have.

BY MR. RODBURG:

Q Mr. Maguder, my name is Michael Rodburg. I am with the law firm of Lowenstein, Sandler, Brochin, Kohl, Fisher & Boylan, and I represent Solvents Recovery Service of New England.

Had we ever met before today?

A No.

Q Have you ever talked to me about your testimony here today before?

1  
2 A No.

3 Q Have you ever talked to anyone from my office?

4 A No.

5 Q Have you ever talked to anybody, any attorney,  
6 purporting to represent the company, about your testimony?

7 A No, nobody.

8 MR. RODBURG: No other questions.

9 MS. DOLGIN: I have about two more mi-  
10 nutes' worth of questions.

11 REDIRECT EXAMINATION

12 BY MS. DOLGIN:

13 Q You mentioned barrel reclaimers took the heavy  
14 bottoms from Solvents Recovery; is that correct?

15 A That would be the material that was left in the  
16 drum after it was pumped out into the still. Only for a  
17 certain condition. Like you have two or three inches on  
18 the bottom of a drum condition, they would take it, but, if  
19 the drum was half full of material, they wouldn't take it.

20 Q Is this always the case, just talking about  
21 Kingston Steel Drum in New Hampshire?

22 A There was a limit, right.

23 Q What was the limit with them?

24 A I don't know what their specifics were, but I  
25 do know, if the drum was too heavy, where the driver

1  
2 couldn't pick it up, he wouldn't take it.

3 Q They pick up barrels from you, or did you  
4 deliver barrels to them?

5 A I have delivered barrels to Kingston Steel Drum  
6 once or twice, but 99 percent of the time they used to come  
7 into our own yard and pick up the drums with their trucks.

8 Q Was Mr. Ottati employed by Kingston Steel Drum?

9 A I don't know.

10 Q Was he located near them?

11 A Right behind them.

12 Q When you began to deliver drums to him, did you  
13 also deliver your empty drums to Kingston Steel Drum at the  
14 same time?

15 A No. No.

16 Q When you delivered drums to Mr. Ottati, did you  
17 pick up barrels from Kingston Steel Drum at the same time?

18 A No.

19 Q Did the Kingston Steel Drum during that time  
20 continue to pick up and deliver drums to you?

21 A Right.

22 Q Was Mr. Ottati ever one of their truck drivers?

23 A Not Mr. Ottati, himself, the old man. I seen  
24 his son driving Ottati's truck, doing work for Kingston  
25 Steel Drum.

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Q Who was his son?

A I don't know his name. I mean Ottati was --  
it's a family outfit that started this business.

Q Wasn't that Goss, the old man?

A I don't know his first name.

Q Mr. Goss was the old man?

A Oh, I don't know. I don't know. I never  
really got to know the people on a name-to-name basis. I  
thought it was -- I knew he used to bring in his nephews  
and stuff, and they used to work on the drums in the yard  
when we were unloading, but I never knew their -- who was  
the father, grandfather, or --

Q What did Ottati do with the drums that you  
brought to him; do you know?

A He would clean out the drums and mix it with  
sawdust, put them into big vats, and trucks would come in  
and haul them out.

Q What about the empty trucks?

A The empty drums were cleaned out and they were  
given to Kingston Steel Drum.

MS. DOLGIN: That is all I have.

BY MR. PARISE:

Q Would you sign your name and put the date next  
to your signature on that exhibit.

A Yes (marking document).

MR. PARISE: That is all.

(Time noted: 1:35 o'clock p.m.)

JAMES MICHAEL MAGUDER

Sworn to and subscribed before me

this \_\_\_\_\_ day of \_\_\_\_\_ 1981.

I N D E XWITNESS

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